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To Responsible Agencies, Trustee Agencies, and Interested Parties:

RE: CASE NO. 2005.1074E – CityPlace (935-965 Market Street)

NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT

The San Francisco Planning Department has issued a Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the above-referenced project. An Initial Study has also been prepared to provide more detailed information regarding the proposed project and the environmental issues to be considered in the Draft EIR. The NOP/Initial Study is either attached or is available upon request from Nannie Turrell, at **(415) 575-9047** or at the above address. The NOP/Initial Study is also available on-line at www.sfplanning.org/mea. This notice is being sent to you because you have been identified as potentially having an interest in the project or the project area.

Project Description: The approximately 1.06-acre project site is on Assessor's Block 3704, Lots 71, 72, and
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ite. The three commercial buildings on the project site contain a total of
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level and two subsurface levels of parking. A loading area and a vehicular
ground floor; and a mechanical penthouse, including rooftop equipment,
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C-3-G (Downtown General Commercial) and C-3-R (Downtown Retail)
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to applicable height and bulk limitations. The project would require a
rking in addition to permitted accessory parking, and for demolition of a
dth of the loading and parking access on Stevenson Street, and review by
ration of an exception to freight loading requirements under Planning Code

5/S

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ned that an EIR must be prepared for the proposed project prior to any final
The purpose of the EIR is to provide information about potential significant
proposed project, to identify ways to minimize significant effects, and to
itives to the proposed project. Preparation of an NOP or EIR does not
indicate a decision by the City to approve or to disapprove the project. However, prior to making any decision, the decision makers must consider the information contained in the EIR.

Written comments on the scope of the EIR will be accepted until the close of business, **October 31, 2008** and should be sent to Bill Wycko, Acting Environmental Review Officer, San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103.

If you work for an agency that is a Responsible or a Trustee Agency, we need to know the views of your agency as to the scope and content of the environmental information that is relevant to your agency's statutory responsibilities in connection with the proposed project. Your agency may need to use the EIR when considering a permit or other approval for this project. We will also need the name of the contact person for your agency.

If you have questions concerning environmental review of the proposed project, please contact **Nannie Turrell**
575-9047.

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Project Description: The approximately 1.06-acre project site is on Assessor's Block 3704, Lots 71, 72, and 73. It is located mid-block on the south side of Market Street between Fifth and Sixth Streets; Stevenson Street forms the southern boundary of the site. The three commercial buildings on the project site contain a total of about 186,400 gross square feet (gsf). The two buildings at 935-939 Market Street and 941-945 Market Street are partly vacant, and 947-965 Market Street is entirely vacant. The proposed project would demolish these three two- to five-story buildings and redevelop the site with one five-story, 90-foot-tall retail building, with associated building services, and parking. The proposed building would include seven levels of retail space including a mezzanine and subsurface level and two subsurface levels of parking. A loading area and a vehicular driveway would be provided on the ground floor; and a mechanical penthouse, including rooftop equipment, would be provided above the fifth floor. Overall, the proposed project would involve construction of an approximately 376,620-gsf building, with about 262,180 gsf of retail uses; about 3,920 gsf of common areas; about 11,700 gsf of mechanical and storage space; and about 98,820 gsf of parking, loading, and driveways and maneuvering space. The project would result in an increase of about 190,220 gsf of developed space on the project site. The project site is in the C-3-G (Downtown General Commercial) and C-3-R (Downtown Retail) Zoning Districts, and the 120-X Height and Bulk District. The project would include the use of transferable development rights (TDRs) subject to applicable height and bulk limitations. The project would require a Conditional Use authorization for parking in addition to permitted accessory parking, and for demolition of a prior theater use; variances for the width of the loading and parking access on Stevenson Street, and review by the Planning Commission and consideration of an exception to freight loading requirements under Planning Code Section 309.

The Planning Department has determined that an EIR must be prepared for the proposed project prior to any final decision regarding project approval. The purpose of the EIR is to provide information about potential significant physical environmental effects of the proposed project, to identify ways to minimize significant effects, and to describe and analyze possible alternatives to the proposed project. Preparation of an NOP or EIR does not indicate a decision by the City to approve or to disapprove the project. However, prior to making any decision, the decision makers must consider the information contained in the EIR.

Written comments on the scope of the EIR will be accepted until the close of business, **October 31, 2008** and should be sent to Bill Wycko, Acting Environmental Review Officer, San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103.

If you work for an agency that is a Responsible or a Trustee Agency, we need to know the views of your agency as to the scope and content of the environmental information that is relevant to your agency's statutory responsibilities in connection with the proposed project. Your agency may need to use the EIR when considering a permit or other approval for this project. We will also need the name of the contact person for your agency.

If you have questions concerning environmental review of the proposed project, please contact **Nannie Turrell** at **(415) 575-9047**.

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NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT

Date of this Notice:	**October 1, 2008**
Lead Agency:	San Francisco Planning Department 1650 Mission Street, 4th Floor, San Francisco, CA 94103-2479
Agency Contact Person:	Nannie Turrell Telephone: (415) 575-9047
Project Title:	Case No. 2005.1074E CityPlace (935-965 Market Street)
Project Sponsor:	Urban Realty Co., Inc.
Project Contact Person:	David Rhoades Telephone: (415) 814-8000
Project Address:	**935-965 Market Street**
City and County:	San Francisco
Assessor's Block and Lot:	Assessor's Block 3704, Lots 71, 72, and 73
Zoning District:	C-3-G (Downtown General Commercial) and C-3-R (Downtown Retail)
Height and Bulk District:	120-X

Project Description: The approximately 1.06-acre project site is on Assessor's Block 3704, Lots 71, 72, and 73. It is located on the south side of Market Street between Fifth and Sixth Streets. The proposed project would demolish the three two- to five-story buildings on the site and redevelop the site with one five-story, 90-foot-tall retail building, with associated building services and subsurface parking. Overall, the building would contain approximately 376,620 gsf, with about 262,180 gsf of retail uses; about 3,920 gsf of common areas; about 11,700 gsf of mechanical and storage space; and about 98,820 gsf of parking, loading, and driveways and maneuvering space. The project would result in an increase of about 190,220 gsf of developed space on the project site. The project site is in the C-3-G (Downtown General Commercial) and C-3-R (Downtown Retail) Zoning Districts, and the 120-X Height and Bulk District. The project would include the use of transferable development rights (TDRs) subject to applicable height and bulk limitations. The project would require a Conditional Use authorization for parking in addition to permitted accessory parking and for demolition of a former theater use; variances for the width of the loading and parking access on Stevenson Street, and an exception to freight loading requirements under Planning Code Section 309.

THIS PROJECT MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT. AN ENVIRONMENTAL IMPACT REPORT IS REQUIRED. This determination is based upon the criteria of the Guidelines of the State Secretary for Resources, Section 15063 (Initial Study), 15064 (Determining Significant Effect), and 15065 (Mandatory Findings of Significance) and the following reasons, as documented in the Environmental Evaluation (Initial Study) for the project, which is attached.

Written comments on the scope of the EIR will be accepted until the close of business on **October 31, 2008**. Written comments should be sent to Bill Wycko, San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103.

Documents relating to the proposed project are available for review, by appointment, at the Planning Department's Major Environmental Analysis office, 1650 Mission Street, Suite 400. Please call Nannie Turrell at (415) 575-9047.

State Agencies: We need to know the views of your agency as to the scope and content of the environmental information that is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency may need to use the EIR when considering a permit or other approval for this project. Please include the name of a contact person in your agency. Thank you.

September 29, 2008
Date

Bill Wycko, Acting Environmental Review Officer

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INITIAL STUDY
CITYPLACE: 935-965 MARKET STREET
Case No. 2005.1074E – Retail Development

A. PROJECT DESCRIPTION

The approximately 1.06-acre project site (Assessor's Block 3704, Lots 71, 72, and 73) is located in downtown San Francisco on the south side of Market Street between Fifth and Sixth Streets.[1] (See Figure 1: Project Location.) The rectangular site is in the middle of the block, opposite the intersection of Market with Turk and Mason Streets. Stevenson Street forms the southern boundary of the site. The site encompasses three parcels: 935-939 Market, 941-945 Market, and 947-965 Market. These parcels are developed with three mixed-use commercial and office buildings: 935-939 Market Street and 941-945 Market Street, which are partly vacant, and 947-965 Market Street, which is entirely vacant. The three buildings on the project site contain approximately 186,400 gross square feet (gsf).

The project sponsor proposes to demolish the three existing two- to five-story buildings and redevelop the site with one five-story, approximately 90-foot-tall commercial building, with new retail uses, associated building services, and a below-grade parking garage with 210 off-street parking spaces. The proposed building would include seven levels of retail space, including a mezzanine and subsurface level (floor B1) and two subsurface levels (floors B2 and B3) of parking. Building services would occupy a small portion of all above- and below-ground floors; a loading area and a vehicular driveway would be provided on the ground floor; and a mechanical penthouse, including rooftop equipment, would be provided above the fifth floor. The proposed project at 935-965 Market Street (named "CityPlace" by the sponsor) would involve the construction of an approximately 376,620-gsf building, with approximately 262,180 gsf of retail uses; about 3,920 gsf of common areas such as the ground-floor lobby; about 11,700 gsf of mechanical and storage space; and about 98,820 gsf of parking, loading, and driveways and maneuvering space.[2] The project would result in an increase of about 190,220 gsf of developed space on the project site.

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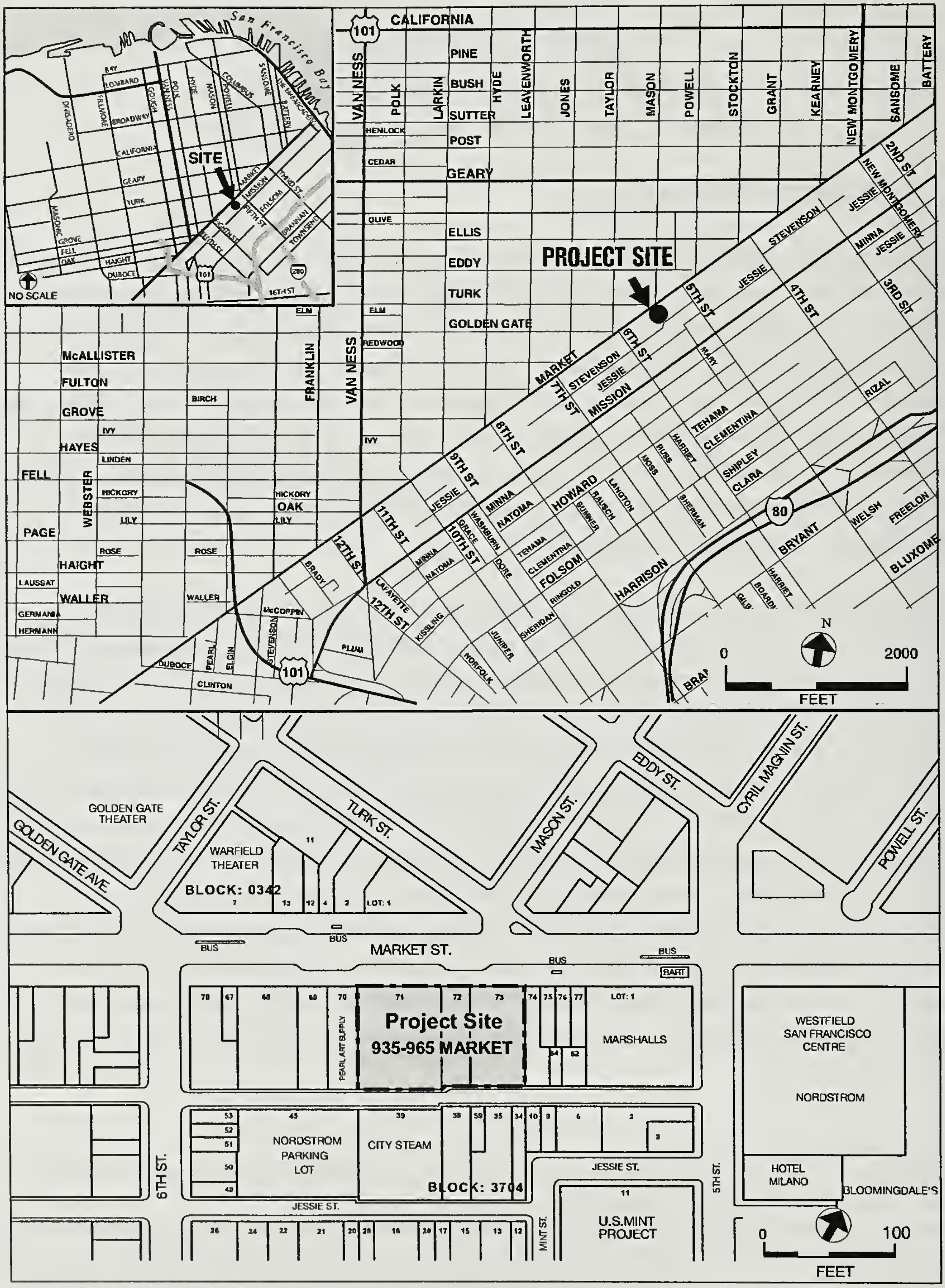
[1] Market Street is oriented in a northeast-southwest direction, but for ease of understanding, it will be referred to as an east-west road in this report.

[2] The project includes 81,180 gsf of parking areas. Approximately 21,580 gsf of the parking area would be accessory parking; the remaining gsf (approximately 59,600 gsf) would be non-accessory parking. According to *Planning Code* Section 204.5, off-street parking is accessory if it is (1) located on the same lot as the development it serves; and (2) used by the occupants of the development to which it is accessory. Accessory parking facilities may not exceed the following parking amounts: (1) 150 percent of the required number of spaces where three or more spaces are required; and (2) 15 spaces or seven percent of the total gross floor area of the development, whichever is greater. Off-street parking which exceeds the code-specified accessory parking amounts is considered to be non-accessory parking. Projects require Conditional Use authorization (CU) for provision of non-accessory parking.



SOURCE: Turnstone Consulting, Gensler

CITYPLACE

2005.1074E

FIGURE 1: PROJECT LOCATION

The project site is in the C-3-G (Downtown General Commercial) and C-3-R (Downtown Retail) Zoning Districts, and the 120-X Height and Bulk District. Both the C-3-G and C-3-R Zoning Districts permit a base floor area ratio (FAR) of 6:1. A maximum FAR of 9:1 is allowable with the use of transferable development rights (TDRs) and subject to applicable height and bulk limitations. The total gross floor area of the proposed project attributable to FAR is approximately 371,398 gsf,[3] or 8.1 FAR, which is more than the base FAR floor area of 276,378 gsf and less than the allowable 9:1 gross floor area of 414,567 gsf.[4] Therefore, the project would include TDRs. The amount of TDR space necessary for the proposed project could range from approximately 48,957 gsf to approximately 95,020 gsf, depending on the determination as to the applicability of *Planning Code* Section 102.9(b).

Proposed Project Design

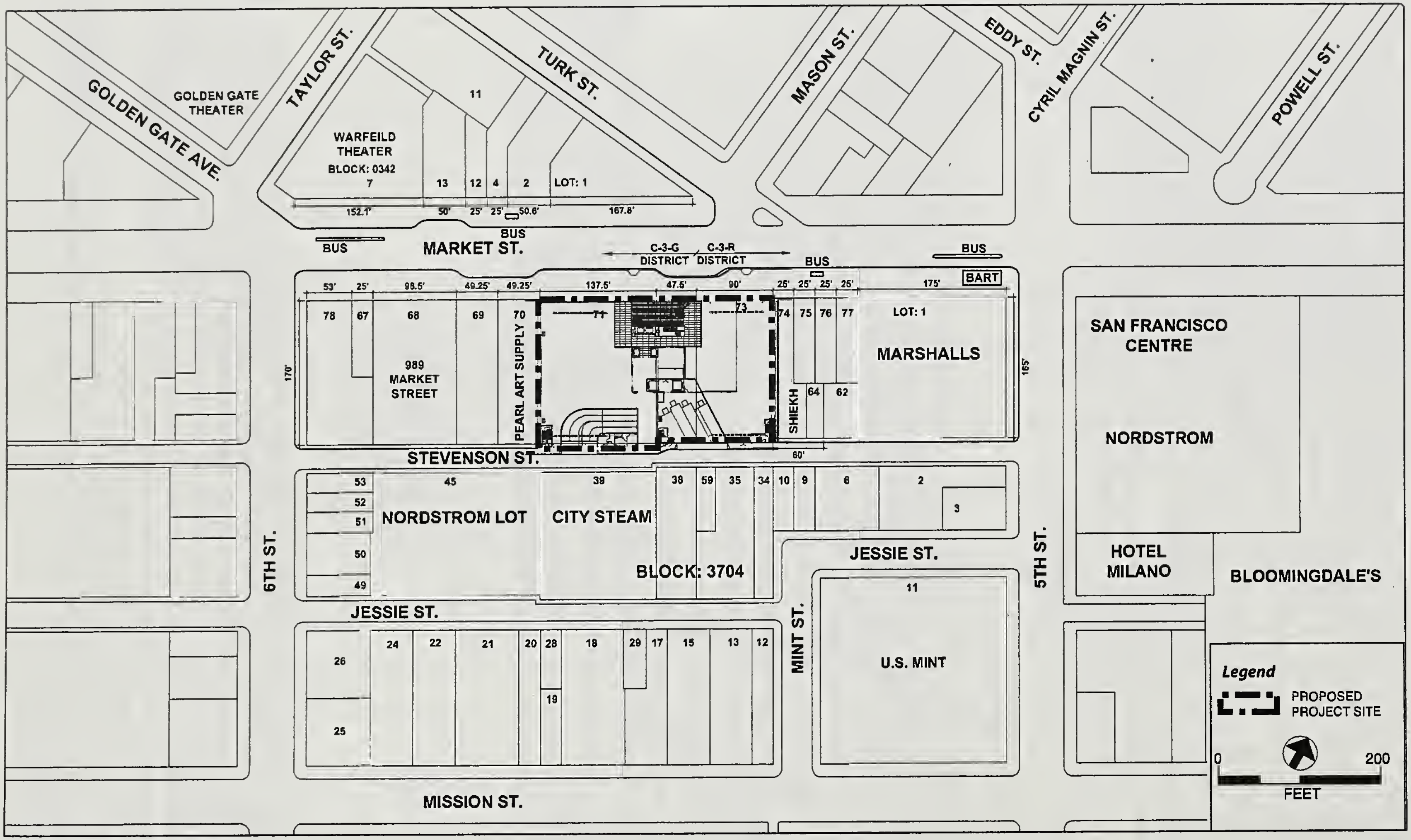
The proposed building would rise five stories, plus a mezzanine, to a total height of about 90 feet above street level; in addition, the building would have an enclosed 16-foot-tall mechanical penthouse. The proposed building would also include three subsurface levels. The subsurface levels B1 and B2 and all above-ground levels would be built to the property lines on all sides of the building; subsurface level B3 would have about 6,315 square feet (sq. ft.) of unexcavated area at the southern end of the building. (See Figure 2: Proposed Site Plan; Figure 3: Proposed Building Sections; Figure 4: Proposed Elevation, Market Street; and Figure 5: Proposed Elevation, Stevenson Street.) The proposed design would be contemporary in style, with the building's Market Street façade articulated with a varied glass curtain wall system.[5] The building's Stevenson Street façade would be sheathed in a painted aluminum curtain wall system; this façade would be less articulated than the main Market Street façade. The mechanical penthouse level would also be sheathed in painted aluminum cladding on all sides. The ground-floor retail storefronts along Market Street would have clear glazing to maximize light and transparency.

---

[3] Approximately 46,063 gsf is added to the building square footage for purposes of the FAR calculation, to reflect an average floor height in excess of 15 feet. Approximately 60,912 gsf is excluded from the FAR calculation, under *Planning Code* Section 102.9(b). This excluded space includes the following: accessory parking spaces and aisles; accessory loading spaces; driveway and maneuvering areas; storage; building and pedestrian circulation on the first floor; mechanical areas segregated from occupied floors; roof-level mechanical equipment; the atrium; and the unexcavated area on floor B3. The floor area devoted to non-accessory parking is included in the FAR calculations, as required.

[4] The base allowable floor area for the project equals the lot area (46,063 sq. ft.) times 6, which is 276,378 gsf. The maximum allowable gross floor area for the project equals the lot area (46,063 sq. ft.) times 9, which is 414,567 gsf.

[5] Gensler is the project architect.

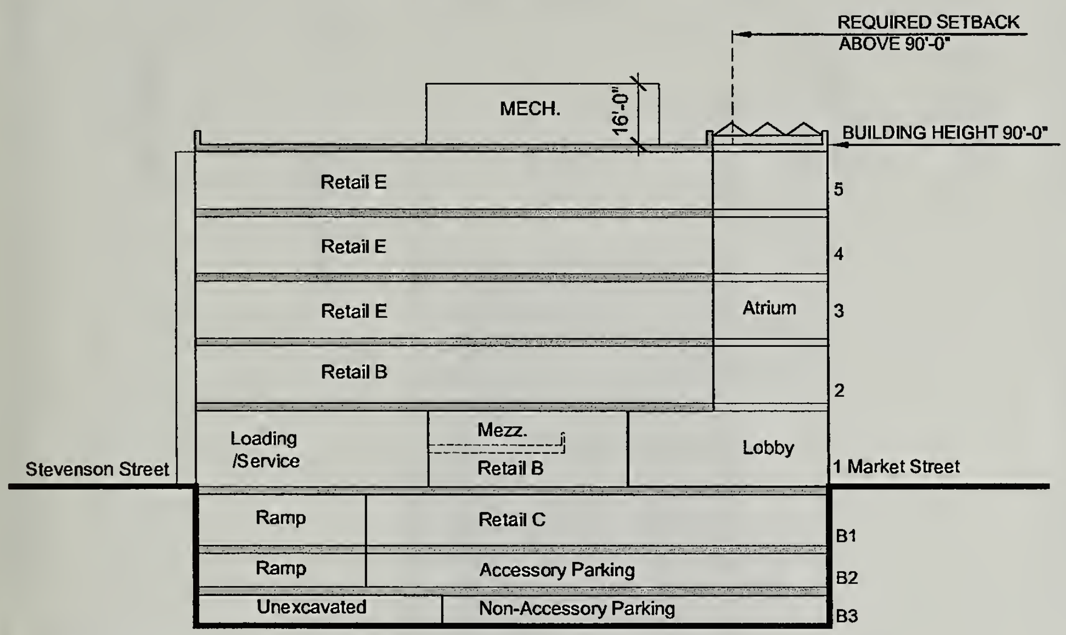


SOURCE: Gensler, Turnstone Consulting

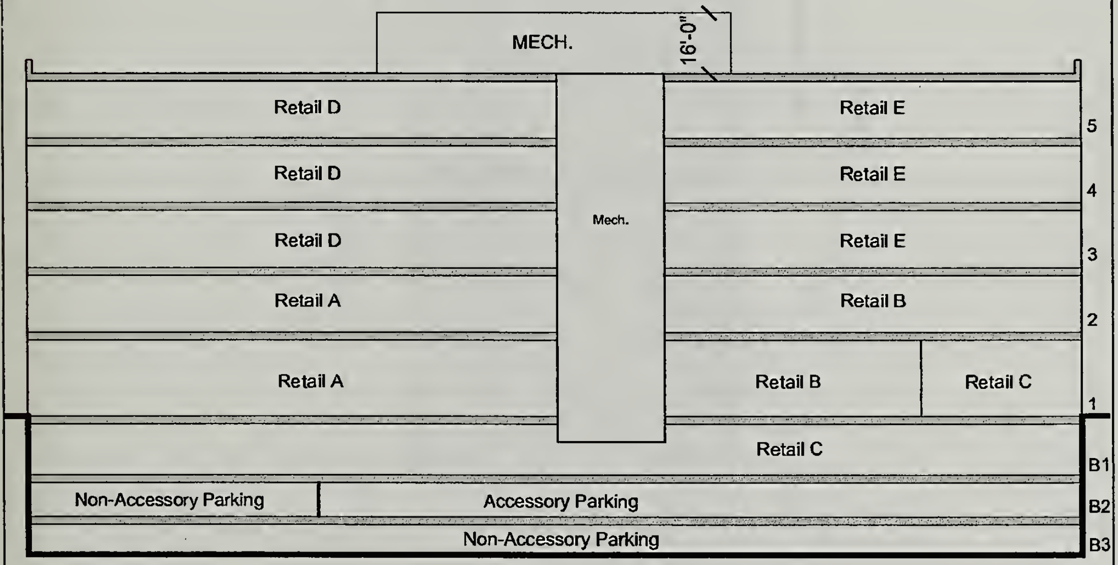
CITYPLACE

2005.1074E

FIGURE 2: PROPOSED SITE PLAN



Section B-B

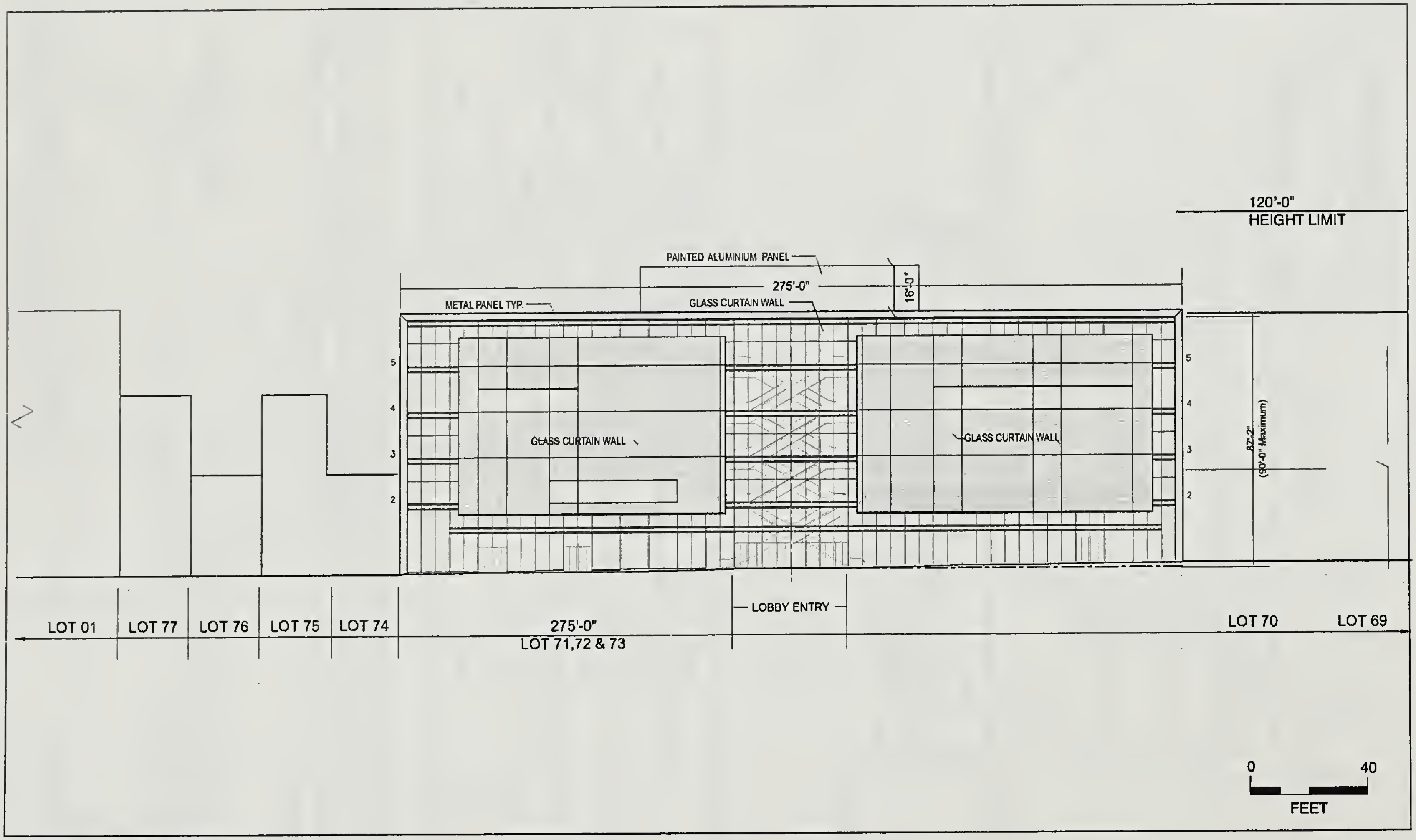


Section A-A

NOTE: SECTIONS SHOW EXPECTED LAYOUT FOR
FUTURE RETAIL TENANTS AND SUBJECT TO CHANGE.

SOURCE: Gensler, Turnstone Consulting

FIGURE 3: PROPOSED BUILDING SECTIONS



SOURCE: Gensler, Turnstone Consulting

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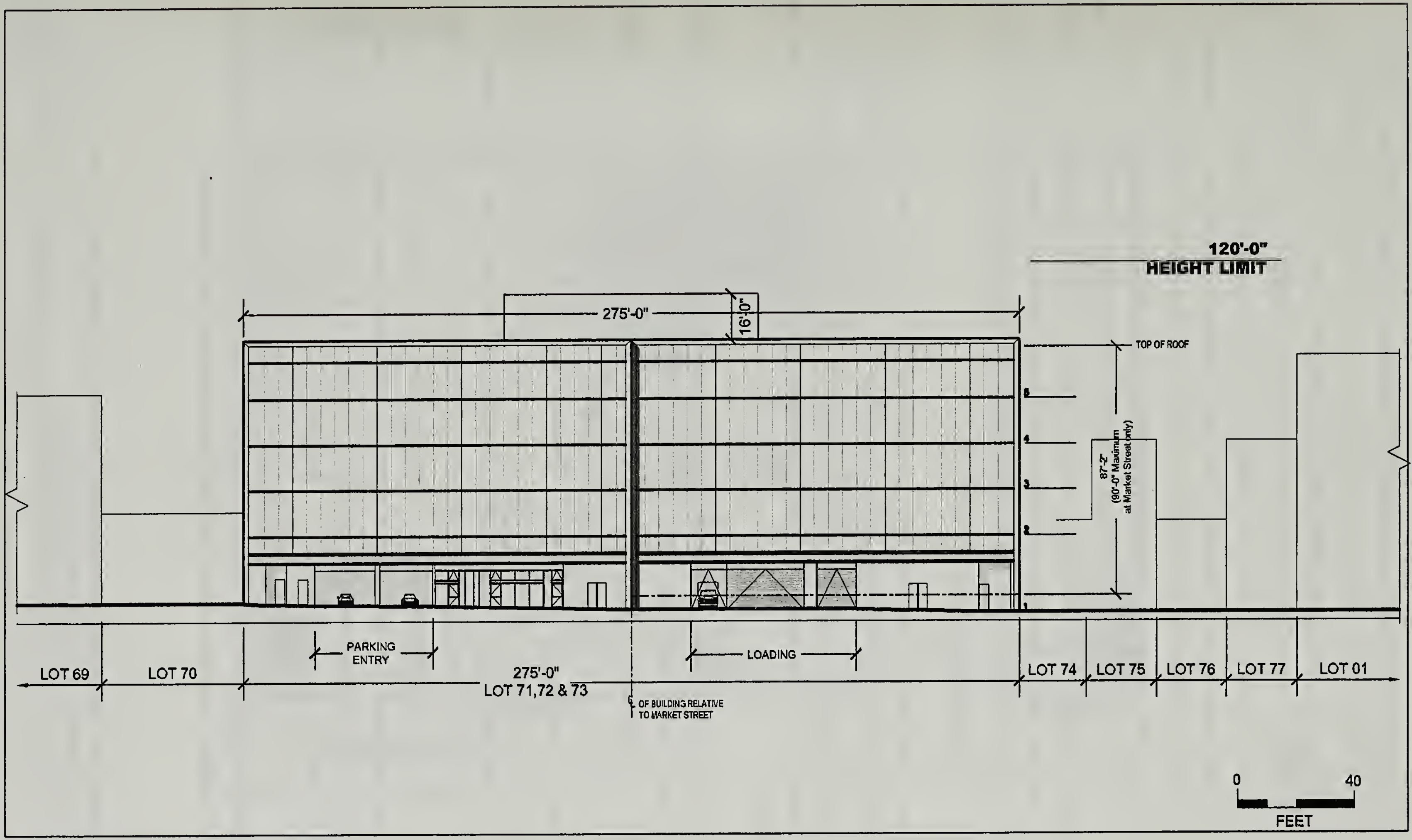
2005.1074E

FIGURE 4: PROPOSED ELEVATION, MARKET STREET



SOURCE: Gensler, Turnstone Consulting

FIGURE 5: PROPOSED ELEVATION, STEVENSON STREET

The Market Street façade would include a centrally located main entrance with four sets of double doors opening on to the Market Street sidewalk. The main entrance would lead to a common five-level atrium with an escalator, the main stairs, and elevators. The common atrium would connect directly to two of the ground-floor retail spaces (Retail Spaces A and B, shown on Figure 6: Proposed Ground Floor Plan), and would provide access to the other retail levels and parking levels via a combination of elevators, stairs, and escalator.[6] In addition, the Market Street façade would include three secondary entrances, which would lead directly from the Market Street sidewalk to individual ground-floor retail spaces (Retail Spaces A, B, and C, shown on Figure 6). Two of these direct retail entrances at the ground floor would be located in the eastern portion of the proposed building, and one would be located in the western portion. The project's vehicular and loading area driveways would be located along Stevenson Street. Additionally, commercial entrances would be provided from the Stevenson Street sidewalk. The ground-floor design shows five entrances along Stevenson Street.[7]

The Stevenson Street frontage would also provide access to an area reserved for "microvendors," small businesses that would typically operate on the street (e.g., a flower kiosk or newspaper stand). The microvendor area would be approximately 670 gsf, and would include space and separate entrances for three vendors. The microvendor area would be located next to the parking garage entrance.

The 24-foot-tall ground level and mezzanine of the proposed building would have approximately 44,620 gsf of retail space, with about 34,380 gsf on the ground level and 10,240 gsf on the mezzanine. The project sponsor anticipates that the proposed retail space would include multiple tenant spaces; currently, it is anticipated that the proposed building would be divided among up to five retail tenants. (See Figure 6 and Figure 7: Proposed Mezzanine Plan.) The proposed retail space may also include a café. All of the ground-level retail spaces would have individual street access directly from the Market Street sidewalk (see Figure 4: Proposed Elevation, Market Street, **p. 6**). Some of the ground-level retail spaces may also have individual street access from the Stevenson Street sidewalk (see Figure 5: Proposed Elevation, Stevenson Street, **p. 7**). Currently, it is anticipated that the second level would be designed to accommodate one retail tenant and that the third, fourth, and fifth levels of the proposed building would be occupied by up two retail tenants per floor. (See Figure 8: Proposed Floor Plan (Typical Retail Floor).) The first basement level (B1) would be designed to accommodate one retail tenant. (See Figure 9: Proposed First Basement Floor (B1) Plan.) It is possible that all of the multi-level retail spaces in the proposed building would have their own dedicated escalators and elevators.

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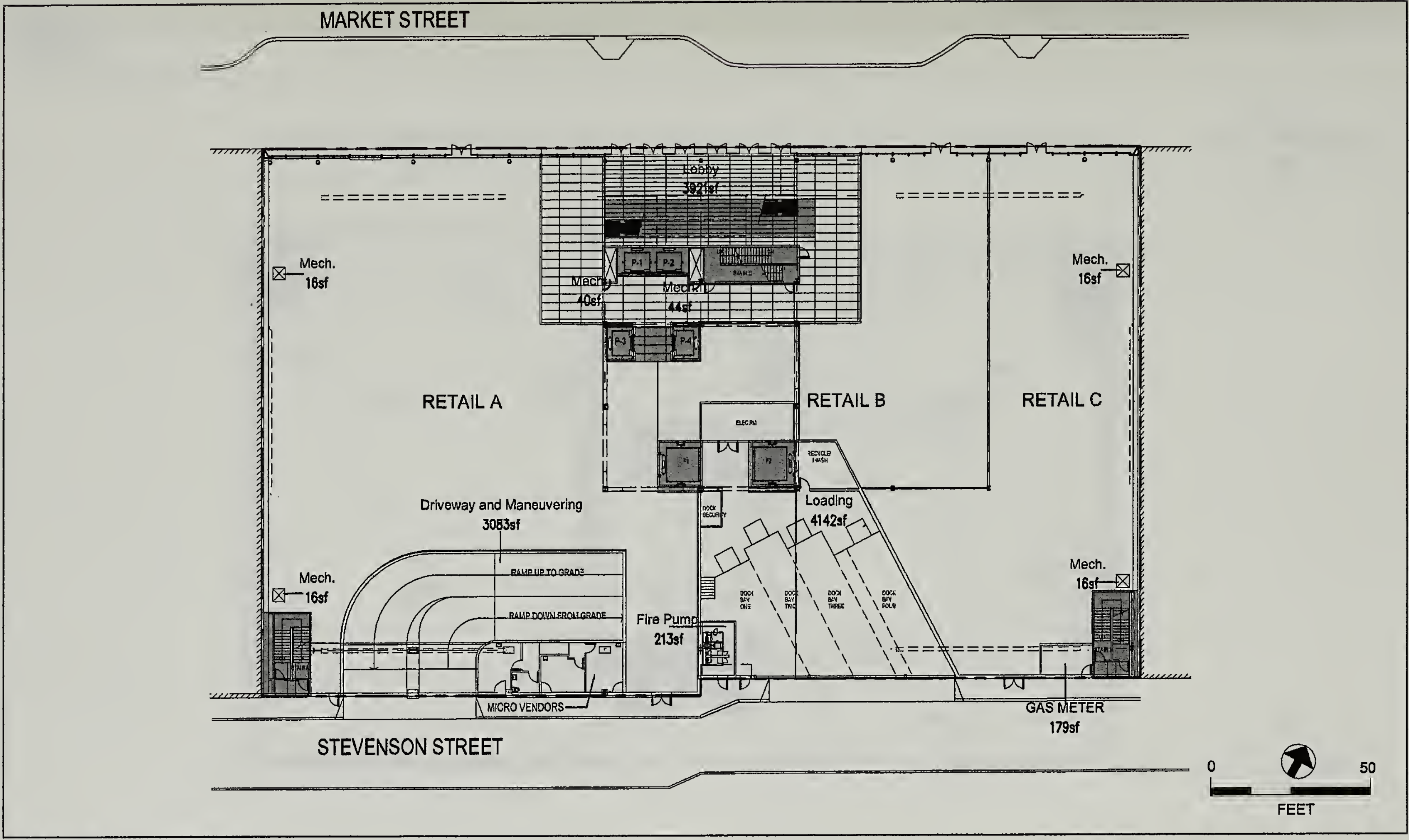
[6] Current building plans show that five retail tenants are expected to occupy the proposed building; however, this arrangement is subject to change in the future.

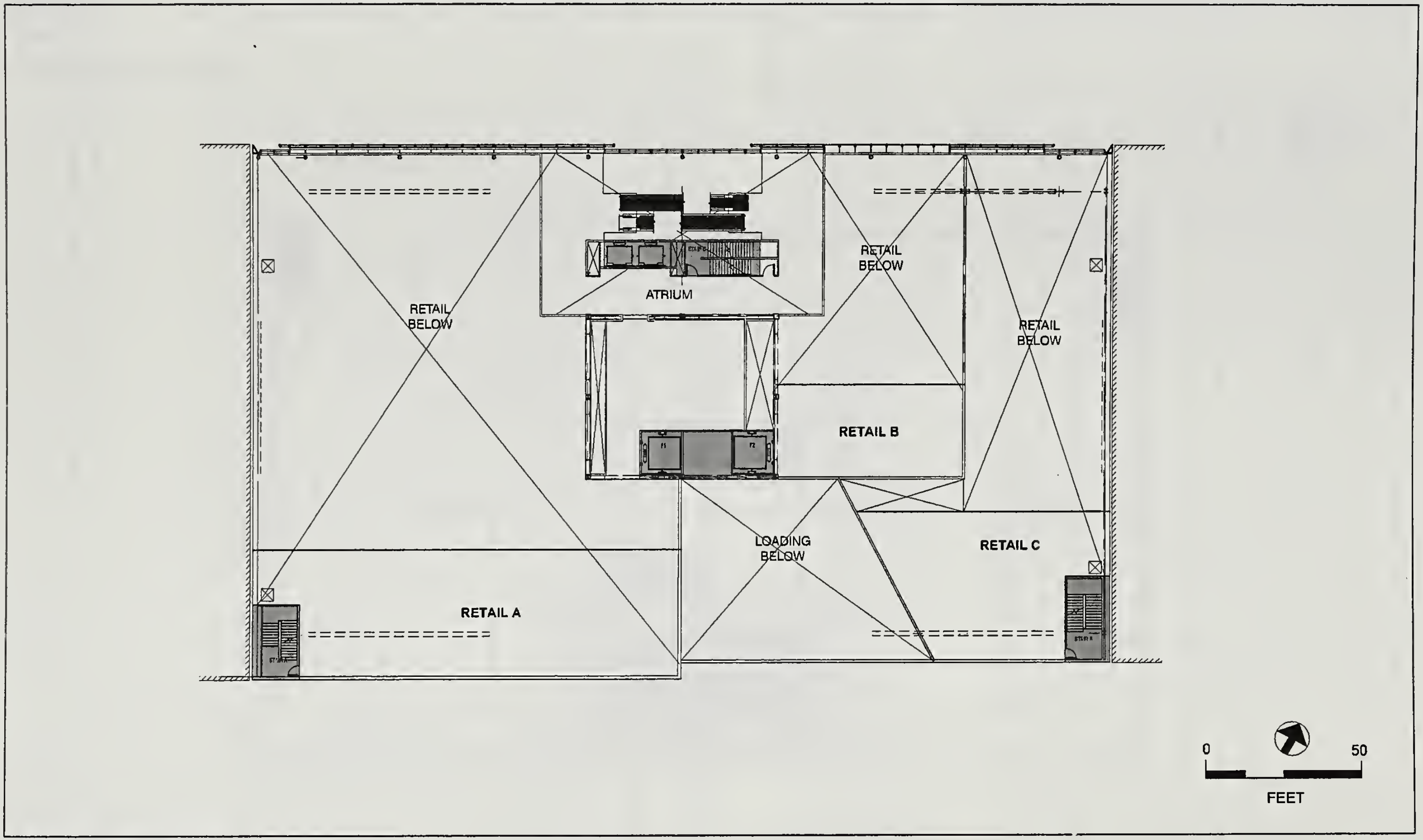
[7] Two of the Stevenson Street entrances would connect directly to stairs leading to the proposed building's upper levels.



SOURCE: Gensler, Turnstone Consulting

CITYPLACE
2005.1074E

FIGURE 6: PROPOSED GROUND FLOOR PLAN

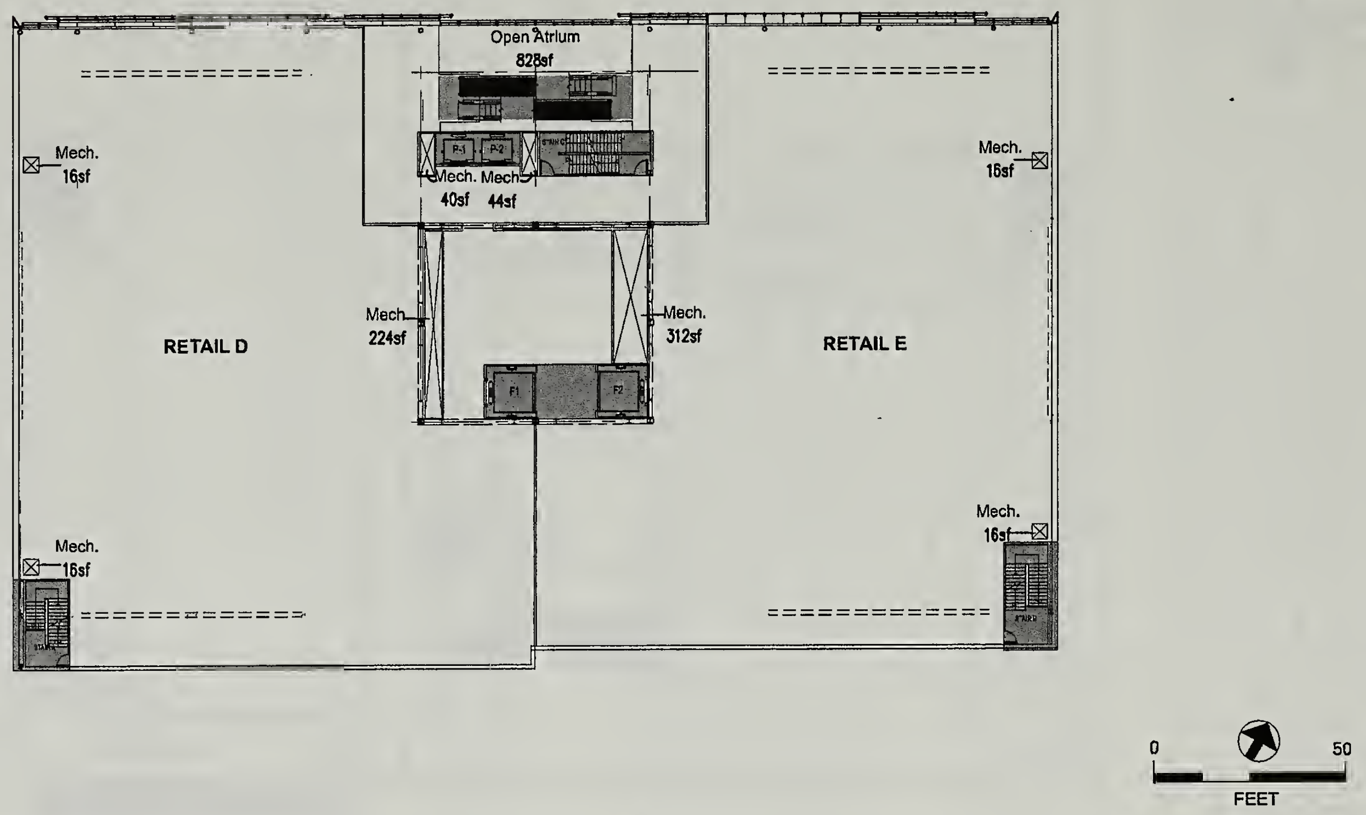


SOURCE: Gensler, Turnstone Consulting

CITYPLACE

2005.1074E

FIGURE 7: PROPOSED MEZZANINE PLAN

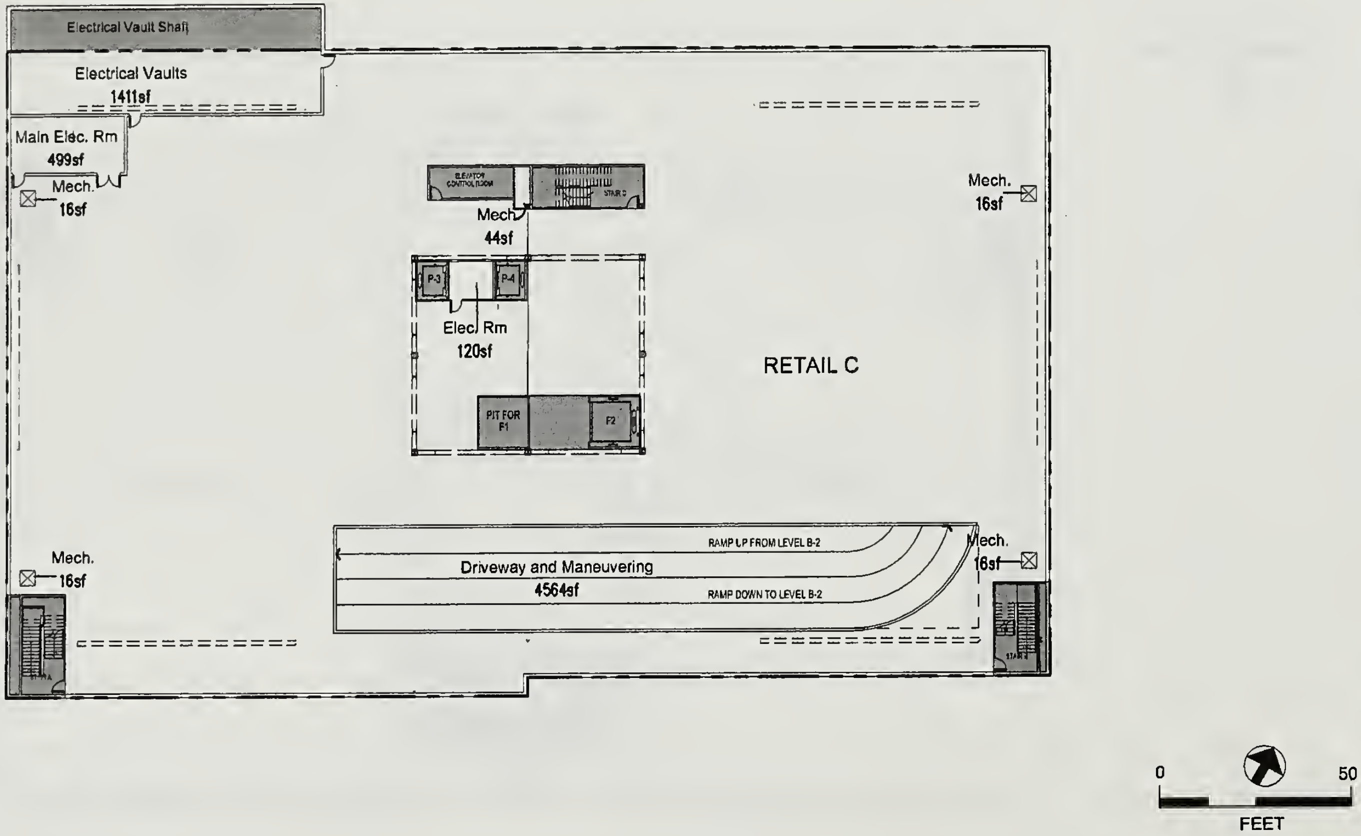


SOURCE: Gensler, Turnstone Consulting

CITYPLACE

2005.1074E

FIGURE 8: PROPOSED TYPICAL RETAIL FLOOR PLAN



SOURCE: Gensler, Turnstone Consulting

FIGURE 9: PROPOSED FIRST BASEMENT FLOOR (B1) PLAN

In addition to retail uses, the ground level would be occupied by an approximately 3,920-gsf atrium lobby with elevators, escalators, and stairs; approximately 540 gsf of mechanical and storage space; an approximately 4,140-gsf, four-stall loading area; and an approximately 3,085-gsf parking garage driveway along Stevenson Street. The pedestrian entrance to the atrium lobby would be from Market Street. The parking garage driveway entrance/exit and loading stalls would be located at the rear of the building and would be accessible from Stevenson Street.

Floors 2 through 5, the mezzanine, and floor B1 would be entirely retail in use and would be connected by stairs, escalators and elevators to the ground-level retail floor. Floors 2 through 5 would each have approximately 44,550 gsf of retail space, and the subsurface retail level would have approximately 39,360 gsf of retail space. Part of floor B1 (approximately 4,565 gsf of space) would be used for the ramps leading to and from the parking garage.

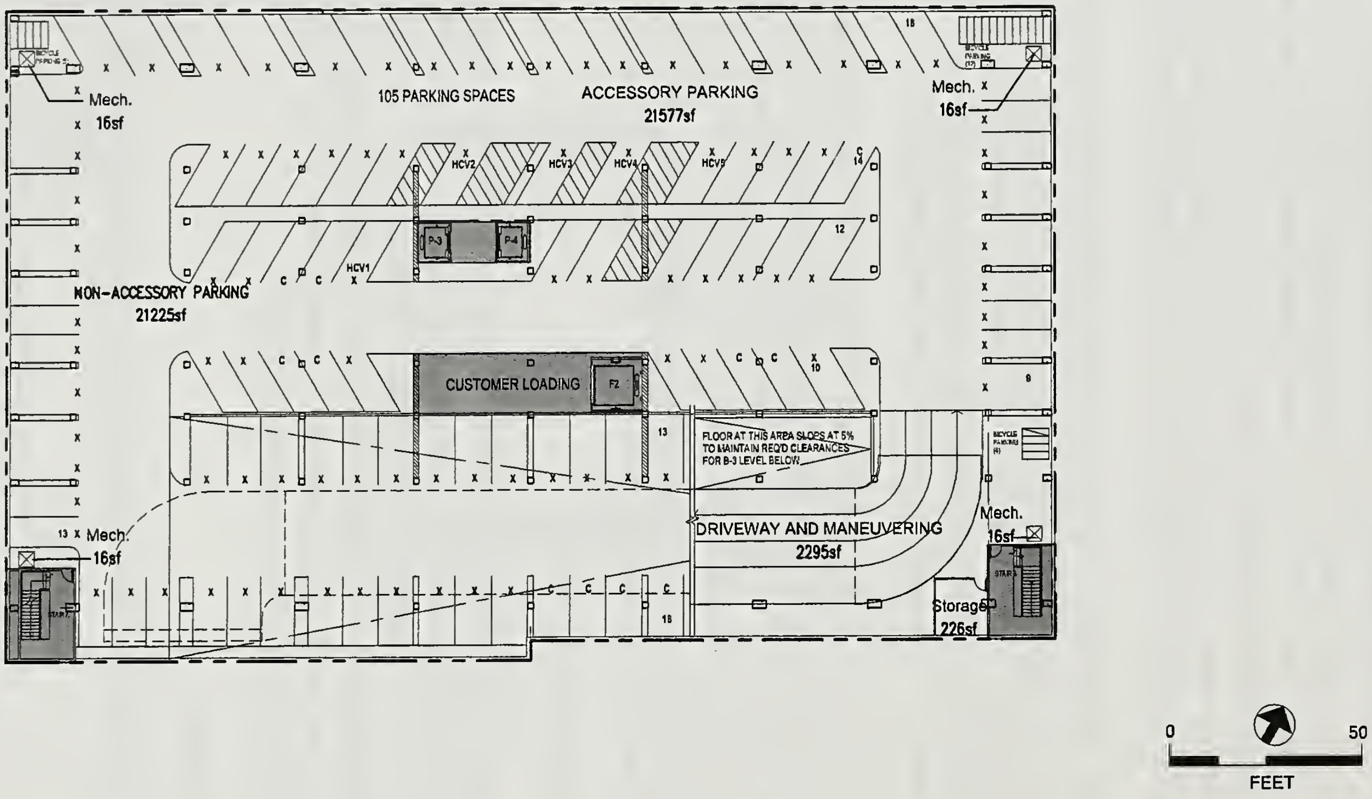
Two of the three subsurface levels (floors B2 and B3) would be occupied by a parking garage. (See Figure 10: Proposed Second Basement Floor (B2) Plan, and Figure 11: Proposed Third Basement Floor (B3) Plan.) The parking garage would provide approximately 210 independently accessible retail parking spaces; with valet parking, the garage would accommodate up to approximately 295 vehicles. Approximately 21 bicycle parking spaces would be provided on floor B2. A portion of floor B3 (approximately 6,315 sq. ft.) would remain unexcavated.

Access, Site Circulation, and Loading

Vehicular access to the parking garage would be via a two-way ramp from Stevenson Street, which is currently one-way eastbound. Pedestrians would access the building from the common atrium lobby and the individual retail space entrances along Market Street. There may be street-level access from Stevenson Street to one or more of the ground-level retail spaces. The proposed loading area would include three full-size spaces for trucks and one smaller space for a van, and would be accessed directly from Stevenson Street.

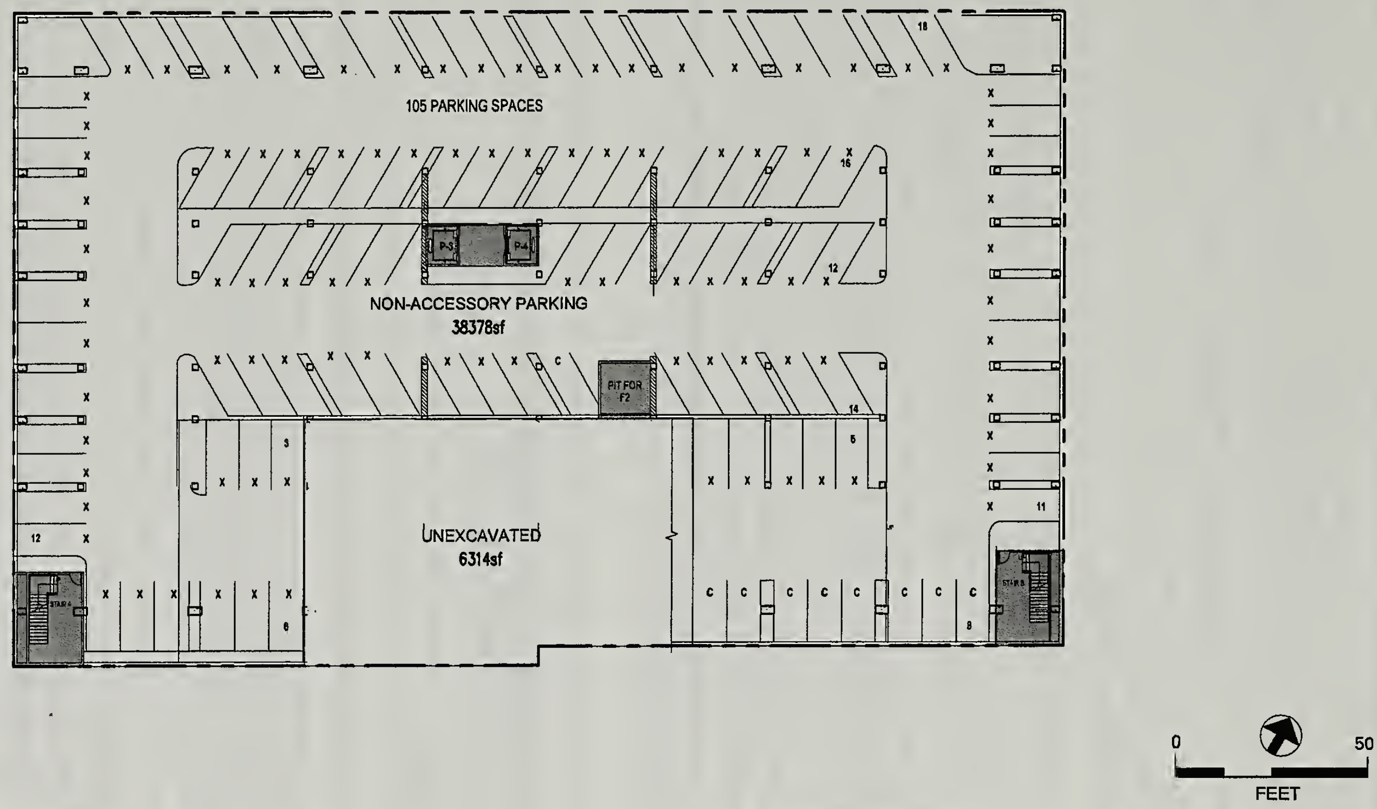
Proposed Landscaping

The sponsor would retain the existing street trees along Market Street. No other landscaping is planned.



SOURCE: Gensler, Turnstone Consulting

FIGURE 10: PROPOSED SECOND BASEMENT FLOOR (B2) PLAN



SOURCE: Gensler, Turnstone Consulting

FIGURE 11: PROPOSED THIRD BASEMENT FLOOR (B3) PLAN

Foundation and Earthwork

The project would use a mat foundation. Proposed excavation would be up to about 41 feet deep[8] (about 31 feet deeper than the existing basement). Approximately 50,500 cubic yards of soil would be removed from the site; however, approximately 6,315 sq. ft. would remain unexcavated at the B3 level.

Relocation of Existing Tenants

Recent tenants of 935-939 Market Street have included retail, government, institutional, and office uses. Four of these tenants have recently vacated the building. The remaining tenant, the Asian Law Caucus, is still in occupancy; however, they have firm plans to move. The Asian Law Caucus will be relocating to its new facilities at 53 Columbus Street in early fall 2008. The project sponsor has acquired an office building at 980-984 Mission Street and has retrofitted the building for University of California, San Francisco (UCSF) Citywide Case Management and Community Focus, which relocated there. The Social Security Administration (SSA) moved into the new Federal Building at the intersection of Seventh and Mission Streets. With the exception of SSA, the sponsor has assisted all of the tenants through rent subsidies, architectural services, and/or other forms of assistance.

One tenant, a retail use, remains at 941-945 Market Street. The project sponsor is in discussions with the tenant regarding its future space and location requirements. As noted previously, 947-965 Market Street is completely vacant.

Project Schedule

The project sponsor, Urban Realty Co., Inc., estimates that construction of the proposed project would take approximately 25 months, including six months for demolition, excavation, and shoring activities. The project architect is Gensler and the estimated construction cost is approximately $75 million. If approved, project construction is anticipated to start in spring 2009.

Required Approvals

- The proposed project is located in a C-3 District and would be subject to *Planning Code* Section 309, Permit Review in C-3 Districts. The project sponsor would request the following exception under Section 309:
    - An exception to the requirements for freight loading spaces. (Sections 152.1, 161(i), and 309(a)(8))

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[8] Approximately 37 feet would be for the three subsurface levels, plus four feet for foundations.

- The proposed project would require conditional use authorization for retail parking that is in addition to the amount permitted as accessory. (Sections 157, 158, 223(m), 204.5)
- The proposed project would require conditional use authorization for demolition of a prior theater use. (Section 221.1)
- The proposed project would require a variance from the requirement of Section 155(s)(5)(A) limiting a project to two façade openings of no more than 11 feet wide or one opening of no more than 22 feet wide for access to off-street parking.
- The proposed project would require a variance from the requirement of Section 155(s)(5)(A) limiting a project to one façade opening of no more than 15 feet wide for access to off-street loading.
- The proposed project would require the merger of existing lots by the San Francisco Department of Public Works.
- Shadows cast by the proposed 90-foot-tall building would require review under *Planning Code* Section 295 – Height Restrictions on Structures Shadowing Property under the Jurisdiction of the Recreation and Park Commission.
- The proposed building would exceed the base floor area ratio (FAR) of 6:1. Therefore, the proposed project would require approval by the Zoning Administrator for the transfer of development rights (TDRs), in accordance with the specific conditions of approval under *Planning Code* Section 128 - Transfer of Development Rights in C-3 Districts.

B. PROJECT SETTING

The three existing buildings on the project site contain approximately 186,400 gsf, including approximately 11,900 gsf of retail uses, 67,000 gsf of office uses, 95,700 gsf of vacant entertainment space, and 11,800 gsf of mechanical, storage, and service space. The 935-939 Market building is 94 feet tall and has five stories; the 941-945 Market building is 30 feet tall and has two stories; and the 947-965 Market building is 45 feet tall and has two stories.

The project site is located in the Mid-Market section of downtown San Francisco, which is an area generally between Fifth and Eleventh Streets along the Market and Mission Streets corridor. Union Square is about four blocks to the northeast (north of Geary Street); the cable car turnaround at Market and Powell Streets is about one block to the northeast; and the Hallidie Plaza BART/Muni station entrance is one-half block to the northeast. The Yerba Buena Center Redevelopment Area is two blocks to the east and southeast. The Tenderloin neighborhood starts about one-half block to the northwest; and the Civic Center area is three to four blocks to the northwest.

The project block is bounded by Fifth Street, Market Street, Sixth Street, and Stevenson Street. This block is occupied by a large five-story retail building, the historic Hale Brothers Department Store at 901 Market Street,[9] located at the intersection of Market and Fifth Streets; several two- to six-story commercial buildings located mid-block;[10] and a 16-story office building with ground-floor retail at One Sixth Street, located at the intersection of Market and Sixth Streets. The project site is in the middle of this block. Immediately east of the project site is a two-story retail building currently occupied by Sheikh Shoes, and immediately west of the project site is a two-story retail building currently occupied by Pearl Art and Craft Supplies.

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[9] Currently, the 901 Market Street building is partially occupied by Marshalls department store.

Neighboring blocks immediately north of the project block across Market Street are occupied by several two- to nine-story commercial buildings (combination of office and retail), interspersed with theaters, entertainment uses (adult entertainment and clubs), and parking.[11] Specifically, the block bounded by Mason, Eddy, Fifth, and Market Streets, located across Market Street and northeast of the project site, is occupied by the historic eight-story Mechanics Savings Bank building at 944-948 Market Street, a seven-story office above ground-floor retail building at 938-942 Market Street,[12] a one-story retail building, an eight-story office building at One Hallidie Plaza, the four-story Bristol Hotel, and a three-story office building. The triangular block bounded by Turk, Taylor, and Market Streets, located across Market Street and northwest of the project site, is occupied by a four-story office building with ground-floor grocery store (Jarman Market), seven two-story buildings occupied by retail use and offices,[13] the Fox Warfield Theater at 982 Market Street, a seven-story office building with ground-floor retail, and a surface parking lot located at the intersection of Taylor and Turk Streets behind Market Street.

A large portion of the block immediately east of the project block and across Fifth Street is occupied by the eight-story Westfield-San Francisco Centre shopping mall at 865 Market Street. The remaining portion of this block is occupied by some mid-rise commercial buildings and hotels, including a ten-story office above ground-floor retail (Walgreens); an eight-story building with retail on the lower floors (Old Navy store) and hotel use above (Hotel Palomar); and an eight-story hotel (Hotel Milano). Across Mission Street to the south of this block is the Fifth & Mission/Yerba Buena Garage, which includes 2,585 parking spaces on eight floors and ground-floor retail uses.[14]

The block to the south of the project site is bounded by Fifth Street, Stevenson Street, Sixth Street, and Jessie Street. This block is occupied by several two- to five-story residential above ground-floor retail buildings along Sixth Street;[15] the Nordstrom surface parking lot; a City-owned NRG Thermal steam plant that supplies steam to buildings in the area; nine two- to ten-story newly-renovated live/work loft buildings with some ground-floor retail (410-424 Jessie Street); and a five-story office building (54 Mint Street) at the intersection of Jessie and Mint Streets. The two-story historic U.S. Mint building, with a small plaza along Fifth Street, is located immediately south of Jessie Street between Fifth and Mint Streets. The U.S. Mint building is planned for redevelopment with cultural and commercial uses.[16] The block farther south, generally between Jessie and Mission Streets west of Mint Street, is occupied by low- and mid-rise office buildings with retail uses on the ground floor.[17] The block to the west of the project block across Sixth Street is occupied by several two- to seven-story buildings with a mix of uses (commercial, residential, and hotels).[18]

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[10] Several buildings along the south side of Market Street between Fifth and Sixth Streets were observed to be vacant (January 2007).

[11] In the South of Market area, streets that run in the northwest/southeast direction, such as Fifth and Sixth Streets, are generally considered north-south streets, whereas streets that run in the northeast/southwest direction, such as Market and Stevenson Streets, are generally considered east-west streets.

[12] An addition and change of use (from office above ground-floor retail to residential above ground-floor retail use) was approved in 2004 for the existing seven-story building at 938-942 Market Street; this building is located at the northeastern corner of Market and Mason Streets.

[13] Several buildings along the north side of Market Street between Fifth and Sixth Streets were observed to be vacant (January 2007).

[14] http://www.fifthandmission.com/about.htm, accessed January 10, 2007.

Vehicles can access the site vicinity via Market Street, Sixth Street, or Fifth Street (all two-way roads), or alternately Stevenson Street (a one-way alley with traffic flow west to east). The project site is served by San Francisco Municipal Railway (Muni) bus and streetcar lines along Market Street, Muni bus lines along Fifth Street and Mission Street, and Muni Metro and Bay Area Rapid Transit (BART, through the Powell Street station at Fifth and Market).

C. COMPATIBILITY WITH EXISTING ZONING AND PLANS

	Applicable	*Not Applicable*
Discuss any variances, special authorizations, or changes proposed to the Planning Code or Zoning Map, if applicable.	☒	☐
Discuss any conflicts with any adopted plans and goals of the City or Region, if applicable.	☒	☐
Discuss any approvals and/or permits from City departments other than the Planning Department or the Department of Building Inspection, or from Regional, State, or Federal Agencies.	☒	☐

San Francisco *Planning Code* and Zoning Map

The San Francisco *Planning Code* (*Planning Code*) implements the *San Francisco General Plan*, and governs permitted uses, densities, and configuration of buildings within San Francisco. The *Planning Code* incorporates by reference the City Zoning Maps. Permits to construct new buildings or to alter or demolish existing ones may not be issued unless the proposed project conforms to the *Planning Code* or an exception or variance is granted pursuant to provisions of the *Planning Code*.

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[15] Several buildings along Sixth Street between Stevenson and Jessie Streets were observed to be vacant (January 2007).

[16] "City and County of San Francisco, Office of the Mayor, Mayor Newsom Signs Development Plans for Old Mint," press release, October 10, 2006, http://www.ci.sf.ca.us/site/mayor_page.asp?id=47312, accessed January 17, 2007.

[17] UCSF, a former tenant of the 939 Market Street building on the project site, relocated to the 980-984 Mission Street building, which is south of the project site.

[18] Several of the buildings in this block were observed to be vacant and boarded up (January 2007).

The project site is located in the C-3-G and C-3-R Zoning Districts. The C-3-G District is composed of a variety of uses (including retail), many of which have a Citywide or regional function; the C-3-R District "is a regional center for comparison shopper retailing and direct consumer services." Both districts permit retail businesses "not limited to sales or services primarily for residents in the immediate vicinity" as a principal use.[19] The retail uses proposed as part of the project would be consistent with the C-3G and C-3-R designations.

The C-3-G and C-3-R Districts permit a base FAR of 6:1. A maximum FAR of 9:1 is allowable with the use of TDRs and subject to applicable height and bulk limitations. The total gross floor area of the proposed project attributable to the FAR calculations is approximately 371,398 gsf, or 8.1 FAR, which is more than the base FAR floor area of 276,378 gsf and less than the allowable 9:1 gross floor area of 414,567 gsf. Therefore, pursuant to *Planning Code* Section 128 - Transfer of Development Rights in C-3 Districts, the proposed project would require the transfer of TDRs in accordance with the specific conditions of approval of its Section 309 authorization.

The site is in a 120-X Height and Bulk District, which would permit building heights of up to 120 feet and does not have bulk restrictions. The proposed building, with a height of approximately 90 feet plus a mechanical penthouse extending up to 106 feet, would, therefore, be in conformance with the 120-X Height and Bulk District.

Pursuant to *Planning Code* Section 151.1(a): Permitted Off-Street Parking in Downtown Residential (DTR) and C-3 Districts, off-street parking in C-3 Districts is not required for any use. The *Planning Code* does include requirements related to the maximum permitted accessory off-street parking for commercial uses. Section 204.5 of the *Planning Code* limits the amount of space that can be occupied by accessory parking (including driving aisles) for retail uses in C-3 Districts to seven percent of the proposed building's commercial gross floor area. Based on the proposed building's total commercial gross floor area (approximately 308,244 gsf),[20] the maximum space allowed for accessory parking is approximately 21,577 gsf. The proposed project includes approximately 81,180 gsf of parking space, located on basement floors B2 and B3. Therefore, the proposed project would require a Conditional Use authorization (CU) for the estimated additional 59,603 gsf of non-accessory parking space proposed.

The approximately 81,180 gsf of parking is currently proposed to be striped for approximately 210 independently accessible parking spaces. However, the *Planning Code* does not require that off-street parking spaces in a C-3 District be independently accessible. (The requirement in Section 155(c) applies only to "required" spaces, and parking is not required in the C-3 District.) Therefore, the approximately 81,180 gsf of proposed parking space could be used to accommodate a greater number of parked cars (up to about 295) by use of valet parking on a seasonal basis. No exceptions to the *Planning Code* would be required.

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[19] San Francisco *Planning Code*, Section 210.3; Section 218.

[20] The building's total commercial gross floor area (308,244 gsf) includes the proposed retail space (262,181 gsf) and approximately 46,063 gsf added for purposes of the FAR calculation, to reflect an average floor height in excess of 15 feet.

Pursuant to *Planning Code* Section 155(i): General Standards as to Location and Arrangement of Off-Street Parking, Freight Loading and Service Vehicle Facilities, for every 25 off-street parking spaces provided, one such space shall be designed and designated for use by handicapped persons. Therefore, the proposed project (which would include 210 parking spaces or up to 295 valet spaces) would require eight to 12 spaces designed for handicapped use.

Based on *Planning Code* Section 152.1: Required Off-Street Freight Loading and Service Vehicle Spaces in C-3 and South of Market Districts, one loading space per 25,000 gsf of retail space would be required for the proposed project.[21] Therefore, the proposed project (which would have approximately 262,180 gsf of gross retail space) would be required to provide approximately 10 loading spaces. The proposed project includes three full-size loading spaces and one smaller space for a van, and thus would need an exception to the loading requirement, under Section 309(a)(8): Permit Review in C-3 Districts.

Planning Code Section 155(s)(5)(A) restricts façade openings for access to off-street parking and loading in C-3 Districts. Access to off-street parking is limited to two façade openings of no more than 11 feet wide each or one opening of no more than 22 feet wide. Access to off-street loading is limited to one façade opening of no more than 15 feet wide. The proposed project would include one façade opening each for access to the underground parking and the loading area from Stevenson Street; the width of both openings would exceed the limit. Therefore, the proposed project would require a variance from the requirement of Section 155(s)(5)(A).

Planning Code Section 221.1 requires Conditional Use authorization of a change in use or demolition of a movie theater use. The proposed project would include demolition of the three existing buildings on the project site. The building at 947-965 Market Street once housed a movie theater. Therefore, the proposed project would require a Conditional Use authorization.

Other reviews and approvals that would occur with the proposed project include a shadow impact determination under Section 295 of the *Planning Code*; a determination of consistency with the City's Priority Policies; a determination of consistency with the policies of the *San Francisco General Plan*; street tree protection; work within the public right-of-way; and demolition, grading and building permits.

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[21] For retail uses of more than 50,000 sq. ft. in a C-3 District, one loading space is required for every 25,000 sq. ft. of gross floor area. See *Planning Code* Table 152.1.

Plans and Policies

General Plan. In addition to the *Planning Code*, the *San Francisco General Plan* (*General Plan*) provides general policies and objectives to guide land use decisions. Any conflicts between the proposed project and policies that relate to physical environmental issues are discussed in Section E, Evaluation of Environmental Effects. The compatibility of the proposed project with *General Plan* policies that do not relate to physical environmental issues will be considered by decision-makers as part of their decision whether to approve or disapprove the proposed project. Any potential conflicts identified as part of the process would not alter the physical environmental effects of the proposed project.

The Commerce and Industry Element of the *General Plan* serves as a guide for the public and private sectors when making decisions related to economic growth and change in San Francisco. The three goals of the Element are continued economic vitality, social equity, and environmental quality. The Element includes a number of policies focused on the development of commercial activities. The Generalized Commercial and Industrial Land Use and Density maps in the Element refer to the *Downtown Plan*. The Element also references the *Downtown Plan* for specific policies regarding retail development.[22]

Downtown Plan. The project site is located within the boundaries of the *Downtown Plan*, an Area Plan of the *General Plan*. Centered on Market Street, the *Downtown Plan* area is roughly bounded by Van Ness Avenue to the west, The Embarcadero to the east, Folsom Street to the south, and the northern edge of the Financial District to the north. The *Downtown Plan* is intended to manage growth, including maintaining a compact downtown core and directing growth to areas with developable space and easy transit accessibility. The plan also contains objectives and policies that address housing, open space, and historical preservation.

The project site is located in the area of the *Downtown Plan* known as the Downtown core. The project site is designated on the Downtown Land Use and Density Plan Map as General Commercial. Policy 3.1 of the *Downtown Plan* calls for "maintaining high quality, specialty retail facilities in the retail core," which is generally bounded by Powell, Sutter, Kearny, and Market Streets. Policy 3.4 states that decision makers should "limit the amount of downtown retail space outside the 'retail district' to avoid detracting from its economic vitality." The discussion under Policy 6.1 identifies locations, including Market Street west of Fifth Street, where supporting commercial and secondary office uses would be appropriate, acknowledging that in urban areas, a mix of uses often occurs.[23] The proposed retail building would be consistent with the General Commercial designation, but could be seen as extending the retail core.

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[22] *San Francisco General Plan*, Commerce and Industry Element, at http://www.sfgov.org/site/planning_index.asp?id=41413, accessed January 17, 2007.

[23] *San Francisco General Plan*, *Downtown Area Plan*, at http://www.sfgov.org/site/planning_index.asp?id=41405, accessed January 16 and November 2, 2007.

However, *Downtown Plan* Policy 3.2 encourages the provision of value-based retail in the project area.

Mid-Market Redevelopment Plan. The project site is located within the proposed Mid-Market Redevelopment Survey Area, which extends generally from Fifth to Tenth Streets along the Market and Mission Street corridors. On October 18, 2005, the San Francisco Redevelopment Agency (SFRA) recommended approval of the Redevelopment Plan for the Mid-Market Redevelopment Survey Area. Under a delegation agreement with the SFRA, the Planning Department, in implementing the Plan, concurrently proposed to administer land use regulations, specifically proposed zoning changes in the form of a proposed Mid-Market Special Use District (SUD). Under the proposed Mid-Market SUD, the project site zoning designation would not change. In 2005, the Planning Commission recommended that the Board of Supervisors (the Board) adopt both the proposed Mid-Market Redevelopment Plan and the proposed Mid-Market SUD, but no approval to date has occurred at the Board level, nor is it foreseeable that the Board would hear the proposed plan. Therefore, land use restrictions designed under the proposed Mid-Market SUD are not applicable to the proposed project and discussion of the Mid-Market SUD is merely intended to provide background into planning efforts undertaken for the project area.

In November 1986, the voters of San Francisco approved Proposition M, the Accountable Planning Initiative, which added Section 101.1 to the City *Planning Code* to establish eight Priority Policies. These policies, and the sections of this Environmental Evaluation addressing the environmental issues associated with the policies, are: (1) preservation and enhancement of neighborhood-serving retail uses; (2) protection of neighborhood character (Question 1c, Land Use); (3) preservation and enhancement of affordable housing (Question 3b, Population and Housing, with regard to housing supply and displacement issues); (4) discouragement of commuter automobiles (Questions 5a, 5b, 5f, and 5g, Transportation and Circulation); (5) protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership (Question 1c, Land Use); (6) maximization of earthquake preparedness (Questions 13a through 13d, Geology, Soils, and Seismicity); (7) landmark and historic building preservation (Question 4a, Cultural and Paleontological Resources); and (8) protection of open space (Questions 8 a and 8b, Wind and Shadow, and Questions 9a and 9c, Recreation).

Prior to issuing a permit for any project which requires an Initial Study under the California Environmental Quality Act (CEQA), and prior to issuing a permit for any demolition, conversion, or change of use, and prior to taking any action which requires a finding of consistency with the *General Plan*, the City is required to find that the proposed project or legislation is consistent with the Priority Policies. As noted above, the consistency of the proposed project with the environmental topics associated with the Priority Policies is discussed in the Evaluation of Environmental Effects section below. The Evaluation of Environmental Effects discussion provides information for use in the case report for the proposed project. The case report and approval motions for the proposed project will contain the Department's comprehensive project analysis and findings regarding consistency of the proposed project with the Priority Policies.

Other Approvals and Permits

Required approvals and/or permits from City departments other than the Planning Department or the Department of Building Inspection include the merger of the existing lots, grading permit, work within the public right-of-way and street tree construction protection by the San Francisco Department of Public Works (DPW). No approvals from regional, State, or Federal agencies are required.

D. SUMMARY OF ENVIRONMENTAL EFFECTS

The proposed project could potentially affect the environmental factor(s) checked below. The following pages present a more detailed checklist and discussion of each environmental factor. Based on discussions of several of the checked environmental factors, the proposed project could result in significant environmental impacts, and an Environmental Impact Report will be prepared.

☐ Land Use
☐ Aesthetics
☐ Population and Housing
☒ Cultural/Paleontological Resources
☒ Transportation and Circulation
☒ Noise
☒ Air Quality
☐ Wind and Shadow
☐ Recreation
☐ Utilities and Service Systems
☐ Public Services
☐ Biological Resources
☐ Geology and Soils
☐ Hydrology and Water Quality
☒ Hazards/Hazardous Materials
☐ Mineral/Energy Resources
☐ Agricultural Resources
☒ Mandatory Findings of Signif.

1. Effects Found to be Potentially Significant

This Initial Study evaluates the proposed CityPlace project to determine whether it would result in significant environmental impacts. The designation of topics as "Potentially Significant" in the Initial Study means that the EIR assessment will enable a determination of whether or not there would be a significant impact. The proposed project could have a significant effect on transportation, traffic noise, and traffic-related air quality because the proposed project would increase traffic, transit use, and parking demand in the area. The potential transportation, traffic noise, and traffic air quality impacts will be analyzed in the EIR. The EIR will provide discussion of other topics such as land use and aesthetics, which are determined in this Initial Study not to be significant, but will be included in the EIR for informational purposes.

2. Effects Found Not to be Significant

The following potential individual and cumulative environmental effects of the proposed project were determined either to be less than significant or to be reduced to a less-than-significant level through recommended mitigation measures included in this Initial Study:

- Land Use;
- Aesthetics;
- Population and Housing;
- Cultural and Paleontological Resources;
- Transportation and Circulation (air traffic patterns);
- Noise (groundborne vibration, construction noise, aircraft noise, interior noise levels);
- Air Quality (odors, greenhouse gas emissions);
- Wind and Shadow;
- Recreation;
- Utilities and Service Systems;
- Public Services;
- Biological Resources;
- Geology and Soils;
- Hydrology and Water Quality;
- Hazards/Hazardous Materials;
- Minerals/Energy Resources; and
- Agricultural Resources.

These items are discussed with mitigation measures, where appropriate, in Sections E and F, and require no further environmental analysis in the EIR. All mitigation measures identified, including those for construction air quality, cultural resources (archaeology), and hazards/hazardous materials, have been agreed to by the project sponsor and will be incorporated into the proposed project. For items designated "Not Applicable," the conclusions regarding potential significant environmental effects are based upon field observations, staff and consultant experience and expertise on similar projects, and/or standard reference materials available within the Planning Department, such as the California Natural Diversity Database and maps published by the California Department of Fish and Game. For each checklist item, the evaluation has considered both individual and cumulative impacts of the proposed project. As indicated above, the EIR will discuss land use and aesthetic effects for informational purposes although this Initial Study determined that such effects resulting from the proposed project would not be significant.

E. EVALUATION OF ENVIRONMENTAL EFFECTS

Topics:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
1. **LAND USE AND LAND USE PLANNING— Would the project:**					
a) Physically divide an established community?	☐	☐	☒	☐	☐
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐	☐
c) Have a substantial impact upon the existing character of the vicinity?	☐	☐	☒	☐	☐

Question 1a: As noted in Section B, Project Setting, **p. 17**, the project site is located on a developed block in a developed area of downtown San Francisco. In the greater project vicinity, Union Square is about four blocks to the northeast (north of Geary Street); Hallidie Plaza is one-half block to the northeast; the Yerba Buena Center Redevelopment Area is about two blocks to the east and southeast; the Tenderloin neighborhood starts about one-half block to the northwest; and the Civic Center is three to four blocks to the northwest.

The project site contains three buildings, located at 935-939, 941-945, and 947-965 Market Street. One of the buildings is vacant and the other two are partly occupied with office and retail uses. The remaining tenant of 935-939 Market Street, the Asian Law Caucus, has firm plans to relocate in early fall 2008. The project sponsor is in negotiations for relocation assistance with the remaining tenant of 941-945 Market Street. The proposed project would involve the demolition of the three existing buildings and the construction of a larger retail building with below-ground parking. The proposed development would be incorporated into the established street plan and would create no impediment to the passage of people or vehicles. The proposed project would be constructed entirely within the boundaries of the existing project site, and would not displace or directly alter off-site uses. For those reasons, the proposed project would not physically divide an established community.

Question 1b: The City's *General Plan*, which provides general policies and objectives to guide land use decisions, contains some policies that relate to physical environmental issues. The proposed project would not obviously or substantially conflict with any such policy. (See also discussion under Compatibility with Existing Zoning and Plans, **pp. 22-24.**) As part of its decision to approve, modify or disapprove the proposed project, the Planning Commission will consider other potential conflicts with the *General Plan* and will weigh *General Plan* policies and decide whether, on balance, the project is consistent with the *General Plan*. Project conformance with the *Planning Code*, which implements the *General Plan*, is discussed under Compatibility with Existing Zoning and Plans, **pp. 19-21**.

The City's *Downtown Plan* would be the guiding policy document for the project. The *Downtown Plan* contains some policies that relate to physical environmental issues, such as historic preservation, urban form, sunlight and wind, transportation, and seismic safety. The proposed project would not obviously or substantially conflict with any such policy. The proposed project is also consistent with the land use policies of the *Downtown Plan* (see also discussion under Compatibility with Existing Zoning and Plans, **pp. 22-23**).

Environmental plans and policies are those, like the Bay Area Air Quality Plan, that directly address physical environmental issues and/or contain targets or standards that must be met in order to preserve or improve characteristics of the City's physical environment. The proposed project would not obviously or substantially conflict with any such adopted environmental plan or policy.

The Priority Policies established by Proposition M, and the sections of this Environmental Evaluation addressing the associated environmental issues, are listed in the discussion of Compatibility with Existing Zoning and Plans, earlier in this Initial Study. The Priority Policies, which provide general policies and objectives to guide certain land use decisions, contain some policies that relate to physical environmental issues. The proposed project would not obviously or substantially conflict with any such policy. As part of its decision to approve, modify or disapprove the proposed project, the Planning Commission will consider other potential conflicts with the Priority Policies and will weigh the Priority Policies and decide whether, on balance, the proposed project is consistent with the Priority Policies.

Question 1c: Development of the proposed project would result in an increase in site employment and an associated intensification of site use. The intensification of site use would be consistent with the character of the project area, which is highly urban with a variety of uses. The project site is located mid-block along Market Street between Fifth and Sixth Streets. The remaining portion of the project block and neighboring blocks are occupied by several low-, mid-, and high-rise commercial buildings (combinations of office and retail uses), interspersed with theaters, other entertainment uses (adult entertainment and clubs), and parking. The proposed project would develop new retail uses and associated parking in a moderately scaled five-story building on the project site that would be compatible with existing retail uses nearby and the overall commercial character of the project vicinity. The project site faces Market Street, an important transportation corridor in the City with transit medians, historic trolleys, bicycle lanes, subsurface Muni light rail and Bay Area Rapid Transit (BART) regional rail service, and other transit facilities. Development of the proposed project would not adversely affect the character of this existing transportation corridor.

Based on the discussion above, the proposed project would not result in any significant land use impacts. However, land use will be discussed in the EIR for informational purposes.

Topics:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
2. AESTHETICS—Would the project:					
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and other features of the built or natural environment which contribute to a scenic public setting?	☐	☐	☒	☐	☐
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area or which would substantially impact other people or properties?	☐	☐	☒	☐	☐

Question 2a: The project site is in a highly urbanized area. It is located mid-block along Market Street between Fifth and Sixth Streets. The remaining portion of the project block and neighboring blocks on all sides of the site are occupied by a variety of low-, mid-, and high-rise commercial buildings (combination of office, retail, and theater buildings), interspersed with surface parking lots. Along Market Street in the vicinity of the project site, short-range views include adjacent, mid-scale development with continuous street building walls; 25- to 31-foot-wide brick sidewalks with street trees; and modern residential towers west of the project site. Market Street itself is a busy transportation corridor in the City with transit medians, several vehicle and bicycle lanes, and the operation of historic trolleys and other transit facilities. Mid- and long-range views to the east include the high-rise, high-density office towers (with ground-floor retail uses) of the Financial District and the historic Ferry Building at the terminus of Market Street. Market Street offers distant views of Twin Peaks to the west. The Market Street corridor is also visible in long-range, panoramic views from Twin Peaks.[24]

The project site is fully developed and within the densely developed Market Street corridor. The 935-939 Market Street building is a 94-foot-tall, five-story structure; the 941-945 Market Street building is a 30-foot-tall, two-story structure; and the 947-965 Market Street building is a 45-foot-tall, two-story structure. (See Figure 12: Existing Buildings on the Project Site.) The

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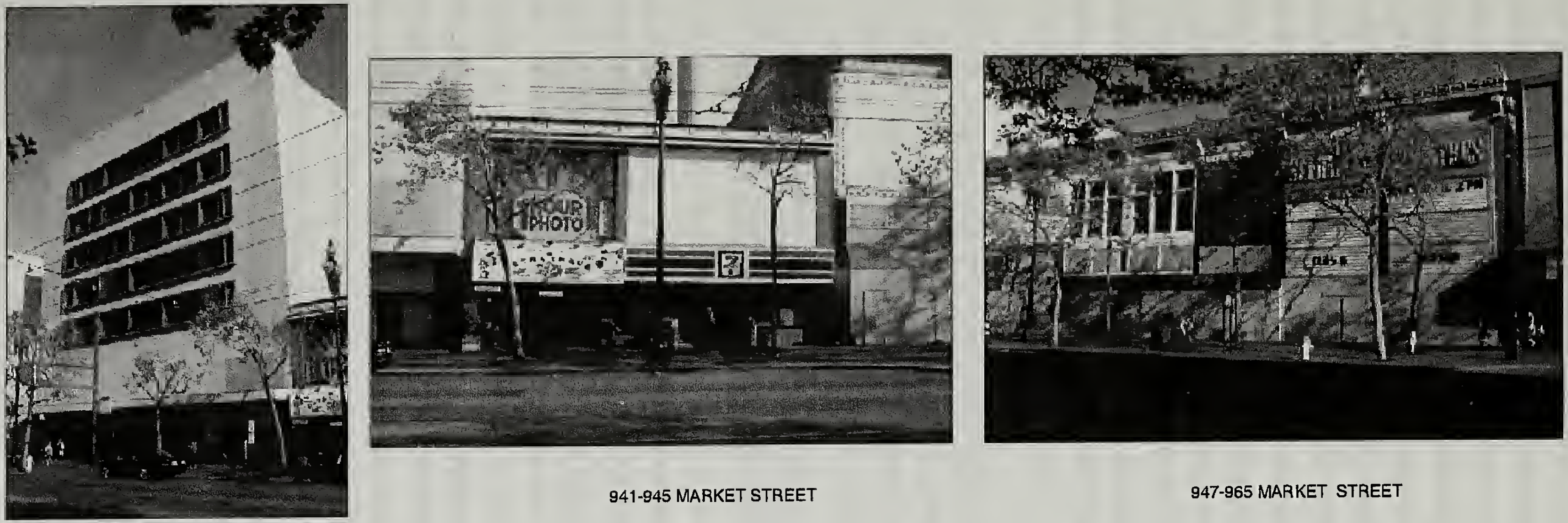
[24] Mid-Market Redevelopment Plan EIR, p. 68.



935-939 MARKET STREET

941-945 MARKET STREET

947-965 MARKET STREET

SOURCE: Gensler, Turnstone Consulting

FIGURE 12: EXISTING BUILDINGS ON THE PROJECT SITE

proposed building would be five stories tall plus a mezzanine, rising to a total height of about 90 feet above street level; in addition, the building would have an enclosed 16-foot-tall mechanical penthouse above the roof. The proposed building would therefore be substantially taller than two of the existing buildings – the 30- to 45-foot-tall, two-story buildings – on the project site. The proposed building height would be similar to the existing, five-story building on the project site at 935-939 Market Street. The proposed building would also be substantially taller than the two-story retail buildings immediately adjacent to the project site on its east and west sides. However, the proposed building height would be similar to or less than the heights of other buildings in the surrounding project area, including seven- to eight-story buildings across Market Street to the northeast; the eight-story Westfield-San Francisco Centre shopping mall at the southeastern corner of Market and Fifth Streets; the five-story retail building (partially occupied by Marshalls department store) at the southwestern corner of Market and Fifth Streets; and the 16-story building (One Sixth Street) at the southeastern corner of Market and Sixth Streets.

The scenic views along Market Street in the project area are aligned with the street corridor and framed by existing development. Therefore, demolition of the existing on-site two- to five-story buildings and development of the similarly scaled (five-story) proposed project on the site would not alter or obstruct these existing views along Market Street.

Hallidie Plaza, located one-half block northeast of the project site, is an important transportation hub and public plaza that provides access to the subsurface Powell Street Muni/BART Station. The plaza also includes a tourist information center and the turnaround for the historic cable cars located at street level at the intersection of Market and Powell Streets. Hallidie Plaza was designed as a triple-story, partly below-grade landscaped plaza. It has brick paving on three levels, and its lower two levels are framed by granite walls. The scenic views from Hallidie Plaza are aligned with the Market Street corridor and framed by existing dense urban development. Given its triple-story sunken design, Hallidie Plaza offers few vantage points for unobstructed views along the Market Street corridor. Views from the cable car turnaround to the project site encompass the range of buildings in the surrounding area between the Westfield-San Francisco Centre and Sixth Street. The existing buildings are not notable from this vantage point; the proposed new building would be modern in design and therefore different from many, but not all, nearby structures. Demolition of the existing two- to five-story buildings and development of the similarly scaled (five-story) proposed project on the site would not adversely affect existing scenic views from Hallidie Plaza or the cable car turnaround.

Overall, the proposed project would not result in significant visual impacts to existing scenic vistas. The EIR will discuss effects of the proposed project on scenic vistas for informational purposes.

Question 2b: Street trees line the northern boundary of the project site; none of these trees would be removed as part of the proposed project. There are no other natural scenic resources on the project site or in the vicinity. Some of the buildings near the project site, including the historic Hale Brothers Department Store Building at 901 Market directly to the east, the Garfield Building and Mechanics Savings Building across Market Street to the northeast, the Warfield Theater across Market Street to the northwest, and the Wilson Building and Hale Brothers Building directly to the west, are considered historic resources. These buildings are prominent features of the project area and, due to their historic and architectural merit, may also be considered scenic resources. The proposed project would not remove or alter these buildings. In addition, the proposed project would be developed in an area of varied visual character, and the five-story height of the proposed building would be within the range of heights in the project vicinity. The proposed new building would not obscure existing public views of nearby historic buildings, but would frame and direct views along Market Street. The contemporary, transparent design and materials of the proposed project would be differentiated from nearby older buildings, rather than attempt to mimic historic patterns. The mullion grid would divide the curtain wall plane into smaller-scaled pieces and contribute texture to the façade. The building design would not visually overwhelm the nearby historic resources. See Topic E.4, Cultural Resources, **p. 41,** for a discussion of the impacts of the proposed project on the individual structures and the Market Street Theater and Loft District. Considering all of the above, the proposed project would not result in significant visual impacts to scenic resources. Nevertheless, the EIR will discuss effects of the proposed project on surrounding historic buildings and existing scenic resources for informational purposes.

Question 2c: Design and aesthetics are, by definition, subjective and open to interpretation by decision-makers and public. A proposed project would have a significant adverse effect on visual quality under CEQA only if would cause a substantial and demonstrable negative change to the existing visual setting.

The project site is developed with three buildings, ranging in height from 30 feet to 94 feet, that were originally built between 1901 and 1909 (see Figure 12, **p. 29**). The tallest on-site building, at 935-939 Market Street, is the most prominent; the two other on-site buildings are relatively small within the streetscape. The front building façade of the 935-939 Market Street building, an office building with ground-floor retail originally built in 1909, was extensively altered in the 1950's: the formerly brick and concrete building with Renaissance detailing and gray stone trimmings was remodeled into the existing form of a predominantly concrete vertical, flat façade with horizontal bands of windows.[25] The front building façade of the 941-945 Market building, an office building with ground-floor retail originally constructed in 1909, was completely altered in the 1930's: the original building with a two-part vertical composition and Renaissance ornamentation was remodeled with an Art Deco theme that left only the ornate cornice moulding from the original 1909 design. The front building façade and storefronts of this building have undergone further alterations. The 947-965 Market Street building, originally constructed in 1901, was similarly designed with ornamentation and included a Vaudeville theater. Over time it has been extensively altered to remove or cover key ornamentation with modern signage.

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[25] Memorandum from Dan DiBartolo, Preservation Planner, to Debra Dwyer, Environmental Planner, *Revised Historic Resource Evaluation Response, 935, 943, and 949-961 Market Street*, November 1, 2007. A copy of this document is available for review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, as part of Case File 2005.1074E.

Structures along Market Street in the project area range from one to 16 stories high; the majority of structures have heights of two to eight stories, and many were built in the early 20th Century. The overall development pattern is of consistent building street walls fronting the sidewalk with full lot coverage and few setbacks between buildings. One of the visual features of the project vicinity is the presence of "flatiron" or "gore" buildings on triangular corner parcels on the north side of Market Street.[26] The nearest "flatiron" structure is the 960 Market Street building, located northwest of the project site across Market Street.

At approximately 90 feet, the proposed retail building height would be similar to the existing 94-foot-tall, five-story building on site at 935-939 Market Street, but would be 45 feet and 60 feet (up to three stories) taller than the other two existing buildings on site at 941-945 Market and 947-965 Market, respectively. The proposed building would also be about 60 feet (three stories) taller than the two existing 30-foot-tall, two-story buildings currently occupied by Sheikh Shoes and Pearl Art and Craft Supplies that are located immediately east and west of the project site respectively. The proposed building height and scale would be similar to or smaller than the five- to 16-story buildings in the project area, including the seven- to eight-story buildings across Market Street to the northeast; the eight-story Westfield-San Francisco Centre shopping mall and the five-story retail building (partially occupied by Marshall's) to the east; and the 16-story building (One Sixth Street) to the west of the project site. The proposed building would be one to four stories taller than other buildings across Market Street to the north, including the one-story retail building at One Hallidie Plaza, the four-story Bristol Hotel building, and the three-story office building, all located on the block bounded by Mason, Eddy, Fifth, and Market Streets; as well as the four-story office building with the ground-floor grocery store (Jarman Market), the seven two-story commercial buildings, and the Fox Warfield Theater, all located on the triangular block bounded by Turk, Taylor, and Market Streets.

The introduction of a new, larger building to the project site would be visible from adjacent development, public streets and sidewalks. However, the proposed five-story, 90-foot-tall building would be within the range of existing building heights and would be compatible with the scale and intensity of the overall development pattern in the project area. Considering all of the above, the proposed project would not result in significant impacts to visual character. The EIR will discuss effects of the proposed project on visual character for informational purposes.

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[26] A flatiron or gore building is a triangular-shaped building.

Question 2d: Current sources of light and glare on and from the project site include lighting within the existing buildings (for individual tenants and common areas) and lighting on the outside of the buildings. Existing nighttime lighting in the project site vicinity includes street lighting along Market, Mason, Turk, Stevenson, Fifth, and Sixth Streets, and lighting within and on the outsides of nearby buildings.

The proposed project would introduce additional sources of lighting to the project site. The proposed retail building would include lighting on the exterior and within common and tenant spaces inside the building. Lighting for the proposed subsurface parking garage would not be visible, except at the garage entrance on Stevenson Street. Although the existing sources of lighting would be removed from the project site, there would be a net increase in lighting on the site. However, given the highly urban nature of the proposed project, the new lighting would not add substantially to light levels in the project area. The proposed retail building would include transparent rather than reflective glass, in conformance with Planning Commission Resolution 9212. Given all of the above, the proposed project would not create new sources of light or generate obtrusive glare that would adversely affect daytime or nighttime views in the area, and the topic of light and glare will not be discussed further in the EIR.

Topics:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
3. POPULATION AND HOUSING— Would the project:					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐	☐
b) Displace substantial numbers of existing housing units or create demand for additional housing, necessitating the construction of replacement housing?	☐	☐	☒	☐	☐
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☒	☐	☐

Question 3a: The proposed project would not include residential development, and therefore, would not induce population growth directly through the construction of housing. The proposed project also would not indirectly increase population through changes to area roads, utilities, or other infrastructure.

The proposed project would result in an increase in business activity on the project site. The project site is currently developed with three mixed-use commercial and office buildings: 935-939 Market Street and 941-945 Market Street, which are partly vacant, and 947-965 Market Street, which is entirely vacant. The three buildings on the project site contain approximately 186,400 gsf, including approximately 11,900 gsf of retail uses, 67,000 gsf of office uses, 95,700 gsf of vacant entertainment space, and 11,800 gsf of mechanical, storage, and service space. The proposed project would involve demolition of these three buildings and construction of an approximately 376,620-gsf new building, with approximately 262,180 gsf of new retail uses; about 98,820 gsf of parking, loading, and driveways and maneuvering spaces; and about 15,620 gsf of building services and other uses.

Overall, employment on the project site is expected to increase, as the proposed project would include about 262,180 gsf of retail uses. Based on this proposed retail square footage, the proposed project would be estimated to employ up to 750 full-time persons.[27] However, the actual increase in employment compared to existing conditions would be lower, because the existing 935-939 Market Street and 941-945 Market Street buildings are partly occupied by existing general office and retail uses and employees.[28] As of April 2008, these existing uses employed approximately 27 people.[29]

San Francisco's employment is projected to increase from about 553,090 employees in 2005 to about 593,370 in 2010, an increase of about seven percent.[30] Even if all of the employees associated with the proposed new retail use on the project site were conservatively assumed to be new to San Francisco, the increase of up to 750 employees as a result of the proposed project would represent about 1.86 percent of the City's estimated employment growth by the year 2010. This potential increase in employment would not be considered significant in the context of total employment in greater San Francisco.

The analysis of employment growth for the proposed Mid-Market Redevelopment Plan found that redevelopment of the Mid-Market Survey Area would result in an estimated net increase of 5,390 jobs. This increase was similarly considered small in the context of the jobs to be added to San Francisco as a whole, and potential growth inducement impacts were found to be less than significant.[31] Therefore, the proposed project would not induce substantial growth or concentration of employment that would cause a substantial adverse physical change to the environment, and this topic will not be discussed further in the EIR.

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[27] Retail employment density estimated at 350 sq. ft. per employee, based on San Francisco Planning Department, *Transportation Impact Analysis Guidelines for Environmental Review*, October 2002, p. C-3.

[28] The 947-965 Market Street building on the project site, formerly a theater, is currently entirely vacant. The remaining tenant of the 935-939 Market Street building has firm plans to relocate to other facilities. The project sponsor is in discussions with the remaining tenant of the 941-945 Market Street building on the project site regarding its future space and relocation requirements.

[29] Thompson, Sean, Urban Realty Co., Inc., written communication to Turnstone Consulting, December 17, 2007; confirmed April 2008.

[30] Association of Bay Area Governments (ABAG), *Projections 2007*.

Question 3b: The proposed project would not displace any housing because there are no residences on the project site. The increase in employment on the project site could potentially result in an increase in the demand for housing, assuming conservatively that at least some of the new retail employees on the project site would be new to San Francisco. An estimated 338,920 households resided in San Francisco in 2005. By 2010, the number of households is expected to increase to about 348,330 or increase by about three percent.[32] Based on assumptions about commute patterns and household size, the proposed project (with an estimated 750 employees) would generate a potential demand for about 295 new dwelling units in San Francisco.[33] These new households would represent about 3.1 percent of the City's estimated household growth by the year 2010. This potential increase in housing demand as a result of the proposed project would not be considered substantial in the context of total housing demand in San Francisco. In addition, the actual increase in housing demand due to the project would likely be lower, as at least some of the project employees would likely not be new to San Francisco. The projected growth within the proposed Mid-Market Redevelopment Project Area includes an increase of about 3,300 housing units in the Mid-Market area; at least 15 percent of these units would be affordable, as required by California Community Redevelopment Law.[34] The impacts of this additional housing were analyzed in the Mid-Market Redevelopment Plan EIR. Given all of the above, analysis of housing displacement and demand will not be discussed further in the EIR.

Although housing demand in and of itself is not a physical environmental effect, an imbalance between local employment and housing can lead to long commutes with associated traffic and air quality impacts. Traffic issues are discussed further under Topic 5: Transportation and Circulation on **pp. 46-47**, and air quality issues under Topic 7: Air Quality on **pp. 51-64**.

Question 3c: As indicated above, the existing buildings on the project site do not contain residential use, and therefore the proposed project would not directly displace housing units. As of December 2007, the office tenants of 935-939 Market Street included the Asian Law Caucus, a non-profit use. The Asian Law Caucus will be relocating to 53 Columbus Avenue in early fall 2008. Two government uses recently moved from the building: UCSF Citywide Case Management and Community Focus (services to the homeless and at-risk individuals), and the Social Security Administration (SSA). The project sponsor acquired an office building at 980-984 Mission Street and retrofitted the building for UCSF Citywide Case Management and Community Focus. SSA moved into the new Federal Building (commonly referred to as the "GSA building") at the intersection of Seventh and Mission Streets.

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[31] Mid-Market Redevelopment Plan EIR, pp. 49-50. The project site is within the Redevelopment Project Area and one of the buildings on the project site, 947-965 Market, was included in the development opportunity sites in the Redevelopment Plan.

[32] ABAG, *Projections 2007*.

[33] This method multiplies the estimated project-related employment (750 employees) by the proportion of jobs in San Francisco held by people who live in the City (55 percent). This result, the approximate number of project-related employees who would live in the City (413), is divided by the projected number of workers per household in San Francisco (1.4). The estimated housing demand would be about 295 residential units. Based on data from ABAG *Projections 2002* and the Metropolitan Transportation Commission.

[34] Mid-Market Redevelopment Plan EIR, p. 50.

The remaining tenant of 941-945 Market Street is a retail use. The sponsor is in discussions with the tenant regarding its future space and location requirements. Thus, with the exception of SSA, the sponsor has assisted or is in the process of assisting with the relocation plans of all the tenants through rent subsidies, architectural services, or other forms of assistance. As noted previously, 947-965 Market Street is currently completely vacant. Given the assistance mentioned above and the evidence that tenants are able to relocate, the displacement of the current on-site tenants as a result of development of the proposed project would not be considered a significant impact, and will not be discussed further in the EIR.

Topics:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
4. **CULTURAL AND PALEONTOLOGICAL RESOURCES— Would the project:**					
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5, including those resources listed in Article 10 or Article 11 of the San Francisco *Planning Code*?	☐	☐	☒	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐	☐

Question 4a: A Historic Resource Evaluation Response Memorandum has been prepared for the proposed project to evaluate the historic significance of existing buildings on the project site and evaluate project impacts on historic resources for purposes of CEQA.[35] It is the basis of this analysis.

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[35] *Revised Historic Resource Evaluation Response, 935, 943, and 949-961 Market Street.*

Existing Surveys

The three buildings on the project site (935-939 Market Street, 941-945 Market Street, and 947-961 Market Street) are not individually listed in, or located within a historic district listed in, any local, State, or Federal register of historic resources. The three buildings have been evaluated in several surveys of historical resources as summarized in **Table 1: Summary of Ratings under Existing Surveys.**

Historic Significance of Resources

935-939 Market Street

935-939 Market Street was built in 1907. The building features a tripartite vertical composition with Renaissance detailing and a façade of pressed buff brick and grey stone trim. The building was once owned by Emma Ferris, daughter of Claus Spreckels, and housed the Pantages Theater, operated by Alexander Pantages, known as the Theater Magnate of the West. The building was extensively altered in the 1950's when the façade was obscured by white tile and the building was remodeled in the form of a vertical box with horizontal window bands and a flat façade.

The Mid-Market Redevelopment Plan EIR considered whether the Market Street Theater and Loft District or the San Francisco Apartment Hotel District should be expanded to include additional properties.[36] 935-939 Market was not found to merit inclusion within these districts or any others in the vicinity. Due to extensive alteration in the 1950's, and changes in the surrounding neighborhood, the building has lost its integrity (of design, material, workmanship, setting, feeling and association) such that it no longer conveys its architectural significance and its historic significance derived from its association with important events and persons. The building does not meet the criteria for eligibility for listing in the California Register of Historical Resources applicable to historic architectural resources (*i.e.*, Events, Persons, Architecture). Absent any new information that would change the determination of the Mid-Market Development Plan EIR, 935-939 Market Street is not considered a "Historical Resource" for the purposes of CEQA.

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[36] San Francisco Planning Department, *Mid-Market Redevelopment Plan Final EIR*, Case No. 2002.0805E, certified September 18, 2003, Table 10, p. 98. This report is on file with the Planning Department, 1650 Mission Street, Suite 400, San Francisco, and is available for public review, by appointment, as part of Case File 2002.0805E.

Table 1: Summary of Ratings under Existing Surveys

Survey	935-939 Market Street	941-945 Market Street	947-965 Market Street
San Francisco Heritage Downtown Survey	Rated as "D" ("Minor or No Importance – Buildings that are insignificant examples of architecture by virtue of original design or more frequently, insensitive remodeling")	Rated as "C" ("Contextual Importance – Buildings that are distinguished by scale, materials, compositional treatment, cornice, and other features")	Rated as "B" ("Major Importance – Buildings that are of individual importance by virtue of architectural. Historical and environmental criteria")
UMB Survey	Listed as a "Priority 3" building (meaning lowest priority for preservation)	Listed as a "Priority 1" building (meaning highest priority for preservation)	Listed as a "Priority 1" building (meaning highest priority for preservation)
Planning Code Article 11	"Category V" (Unrated Building)	"Category V" (Unrated Building)	"Category V" (Unrated Building)
Mid-Market Redevelopment Plan EIR[a]	Determined not to be a historic resource under CEQA	Determined not to be a historic resource under CEQA	Determined not to be a historic resource under CEQA
1976 Citywide Architectural Survey	NA	Rated as "3" (on a scale of "2" to "5," with "5" being most significant)	Rated as "0" (on a scale of "2" to "5," with "5" being most significant)
949 Market Street EIR[b]	NA	NA	Determined not to be a historic resource under CEQA[c]
Report prepared by the Office of the Legislative Analyst[d]	NA	NA	Identified as a potential contributor to a potential non-contiguous multiple property historic district[e]
California Historical Resource Inventory System	NA	NA	Listed with a Status Code of "3S" (meaning that the building appears eligible for listing as an individual property through survey evaluation)[f]

Notes:

a. San Francisco Planning Department, Mid-Market Redevelopment Plan Final EIR, Case No. 2002.0805E, certified September 18, 2003.

b. San Francisco Planning Department, 949 Market Street Final EIR, Case No. 2000.965E, certified March 7, 2002.

c. Page & Turnbull, Inc. St Francis Theater 949 Market Street Historic Resource Study. September 5, 2001. This document is available for public review by appointment at 1650 Mission Street, Suite 400, San Francisco, CA 94103 as part of Case File 2000.965E.

d. Office of the Legislative Analyst, Context Statement: San Francisco Neighborhood Movie Theater Non-Contiguous Multiple Property Historic District, April 27, 2006. This document is available for public review by appointment at 1650 Mission Street, Suite 400, San Francisco, CA 94103.

e. The identification of 949 Market Street as a potential contributor to the San Francisco Neighborhood Movie Theater Non-contiguous Multiple Property Historic District was based upon the building's former use as a movie theater and not on any evaluation of the building itself or its significance (D. DiBartolo. Revised HRER for 935, 943, and 949-961 Market Street. November 1, 2007).

f. However, subsequent examination and analysis by a qualified expert (Page & Turnbull, Inc., 2001) resulted in a determination in 2001 that the building at 949 Market Street does not retain historic architectural integrity and that the building is not an historical resource for the purpose of CEQA.

Source: San Francisco Planning Department

941-945 Market Street

941-945 Market Street was built in 1909. Designed by the architectural firm Paff & Baur, the building features a two-part vertical composition with Renaissance detailing. The building was completely remodeled in the 1930s with an Art Deco theme, leaving only the ornate cornice. The façade and storefronts have also undergone subsequent alterations.

The Mid-Market Redevelopment Plan EIR considered whether the Market Street Theater and Loft District or the San Francisco Apartment Hotel District should be expanded to include additional properties.[37] 941-945 Market Street was not found to merit inclusion within these districts or any others in the vicinity. Due to extensive alteration in the 1930's, and changes in the surrounding neighborhood, the building has lost its integrity (of design, material, workmanship, setting, feeling and association). The building does not meet the criteria for eligibility for listing in the California Register of Historical Resources applicable to historic architectural resources (*i.e.*, Events, Persons, Architecture). Absent any new information that would change the determination of the Mid-Market Development Plan EIR, 941-945 Market Street is not considered a "Historical Resource" for the purposes of CEQA.

947-965 Market Street (a.k.a. 949 Market Street)

947-965 Market Street was built in 1901. Designed by prominent architect John Galen Howard, the building originally housed a 2,000-seat vaudeville theater (the Empress Theater), six retail stores, and a billiard parlor. In 1917, famed showman Sid Grauman acquired the Empress Theater and converted it to a motion picture theater (renamed The Strand). The exterior of the building has been extensively altered over time, including removal or concealment of large portions of the façade and the removal of a dome above the theater entrance. The interior or the building has also been extensively altered and reconfigured, resulting in the removal of all historic fabric.

The FEIR prepared for a previous project at 947-965 Market Street (*a.k.a.* 949 Market Street) determined that the building was not historically significant.[38] The Mid-Market Redevelopment Plan EIR considered whether the Market Street Theater and Loft District or the San Francisco Apartment Hotel District should be expanded to include additional properties. 947-965 Market Street was not found to merit inclusion within these districts or any others in the vicinity. In April 2006, the Office of the Legislative Analyst prepared a context statement for a potential

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[37] Ibid.

[38] San Francisco Planning Department, *949 Market Street Final EIR*, Case No. 2000.965E, certified March 7, 2002, pp. 1-3, 28-38. This report is on file with the Planning Department, 1650 Mission Street, Suite 400, San Francisco, and is available for public review, by appointment, as part of Case File 2000.965E.

San Francisco Neighborhood Movie Theater Historic District.[39] The former theater at 947-965 Market Street is tentatively listed as a contributor to the district. However, this study did not evaluate the significance or integrity of the property.

Although the building may once have met the criteria for inclusion in the California Register under Criterion C (Architecture), the building no longer retains integrity (of design, material, workmanship, setting, feeling and association) such that it no longer conveys its historic architectural significance. Absent any new information that would change the determination of the Mid-Market Development Plan EIR, 947-965 Market Street is not considered a “Historical Resource” for the purposes of CEQA.

Off-Site Historic Resources

While outside of any historic district, the project site is in the vicinity of several historic districts including:

- Civic Center Historic District (National Historic Landmark District, National Register Historic District, and locally designated under *Planning Code* Article 10);
- Potential San Francisco Apartment Hotel National Register Historic District;
- Kearny-Market-Mason-Sutter Conservation District (locally designated under *Planning Code* Article 11);
- Market Street Theater and Loft National Register Historic District;
- Potential Sixth Street Lodging House National Register Historic District;
- South of Market Extended Preservation District (locally designated under *Planning Code* Section 819); and
- Potential West SoMA Light Industrial and Residential District.

A number of individual buildings in the vicinity of the project site have been designated as historic resources including:

- Flood Building, 879-898 Market Street (locally designated under *Planning Code* Articles 10 and 11);
- Hale Brothers Department Store, 901 Market Street (Category I, National Register);
- Garfield Building, 938-942 Market Street (locally designated under *Planning Code* Articles 10 and 11);
- Mechanics Savings Building, 948 Market Street (locally designated under *Planning Code* Article 11);

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[39] Office of the Legislative Analyst, *Context Statement: San Francisco Neighborhood Movie Theater Non-Contiguous Multiple Property Historic District*, April 27, 2006. This report is on file with the Planning Department, 1650 Mission Street, Suite 400, San Francisco, and is available for public review by appointment.

- Wilson Building, 973 Market Street (locally designated under *Planning Code* Article 11);
- Hale Brothers Building, 979 Market (locally designated under *Planning Code* Article 11);
- Warfield Theater, 982 Market Street (locally designated under *Planning Code* Article 11);
- U.S. Mint Building, 88 Fifth Street (locally designated under *Planning Code* Article 10, and listed on the National Register); and
- Haas Candy Factory, 54 Mint Street (locally designated under *Planning Code* Article 11, and listed on the National Register).

Impacts on Historical Resources

As discussed above, the project site does not contain any historic resources, as defined under CEQA. Nor is the project site within any existing or identified potential historic district. Therefore, demolition of the three existing buildings on the project site would not have a direct impact on an on-site historic resource or historic district.

New construction has the potential to affect the historic setting of nearby off-site historic resources. The neighborhood around the project site is the densely built-out commercial core of San Francisco, composed of buildings of varied height, massing and character. Building heights range from one-story commercial structures to a 16-story building at the southeast corner of Market and Sixth Streets. Most buildings range between three and seven stories in height. A variety of historic architectural styles are present, with many buildings designed in the Classical Revival and Beaux Arts styles popular after the 1906 earthquake.

The proposed project would not alter the physical characteristics of nearby individual and historic district resources that justify their inclusion in local, State, and/or Federal registers of historic resources. The proposed new infill construction would occur in an area of varied visual character outside of any historic district. The five-story height of the proposed project is within the varied range of heights currently found in the project vicinity. The proposed new building would not obscure existing public views of nearby historic buildings, but would frame and direct views along Market Street. The contemporary, transparent design and materials of the proposed project would be differentiated from nearby older buildings, rather than attempt to mimic historic patterns. It would not visually overwhelm nearby historic resources. The mullion grid would divide the curtain wall plane into smaller-scaled pieces and contribute texture to the façade. As such, the proposed project would not materially impact any adjacent off-site historic resources or their environment.[40]

The topic of historic architectural resources will not be discussed further in the EIR.

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[40] *Revised Historic Resource Evaluation Response, 935, 943, and 949-961 Market Street*, p. 8.

Questions 4b and 4d: The project site has not previously been subject to a subsurface archaeological investigation. However, the site is located within an area of high archaeological sensitivity, with documented human occupation spanning from prehistoric to present times. Prehistoric archaeological deposits, particularly Early and Late period prehistoric sites, have been recorded in the project site vicinity. In addition, deposits associated with Gold Rush-era and late 19th-century structures and activities could be present beneath the ground surface in the project area.[41]

An Archaeological Research Design and Treatment Plan (ARDTP) has been prepared for the project by an independent consultant; the results of this study are summarized below.[42] The ARDTP systematically examines the potential for the existence of subsurface cultural resources from the Prehistoric period (c. 4000 B.C. - 1776 A.D.), the Spanish, Mexican and Early American periods (1775 -1849), the California Gold Rush period (1849 - 1859), and later 19th century (1860 - 1906). The ARDTP also establishes a detailed approach to determining the significance of the archaeological property types expected to be potentially present and the procedures to be followed in pre-construction testing, data recovery, monitoring construction activities, treatment of artifacts and features, and recording and reporting data.

Prehistoric Era Resources. Prehistoric resources may be eligible for the California Register of Historical Resources (CRHR) under Criterion D, and thus significant under CEQA, due to their rarity, non-renewability, and data potential. Prehistoric archaeological resources may be CRHR-eligible because of their cultural importance to California's existing Native American people. A review of the available archival record indicates a high potential of encountering materials from the prehistoric period, particularly from the Early and Late period prehistoric times. Archival research did not identify any previously recorded prehistoric or contact period cultural resources within the CityPlace site. However, certain factors indicate that prehistoric deposits could be present within the project site.

The Colma Formation, a formation of sediments first deposited at the end of the Pleistocene, is present throughout the City, typically below layers of dune sand. Paleosols[43] above this level may be present within the project site. The 1852 U.S. Coast Survey map indicates that the project site was at the edge of a large flat area, as were nearby prehistoric sites, possibly indicating that the project area was a suitable place to settle in its natural state. The 1859 U.S. Coast Survey map indicates that a possible spring mound (or a low pond) was within the CityPlace project site and a pond was within the project block, indicating a high water table and convenient access to water during the prehistoric and early historical period. It is therefore possible that the project site contains early buried prehistoric deposits.

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[41] Mid-Market Redevelopment Plan EIR, pp. 93-96.

[42] Archeo-Tec, *Archaeological Research Design and Treatment Plan for the 935-965Market Street Project*, July 2007. This document is incorporated by reference into this Initial Study.

[43] Paleosol is buried, ancient soil within which cultural prehistoric deposits could be potentially found.

Prehistoric site CA-SFR-113 was found one block away from the project site, beneath existing buildings with a one-story basement.[44] In addition to CA-SFR-113, several other sites have been found within one-half mile of the project site. CA-SFR-28, a deeply-buried early prehistoric site, was found about three blocks away from the project site. Overall, both shallow and very deeply buried prehistoric sites have been found near the project site.

Historic Era Resources. According to available archival evidence, the possibility of encountering cultural material from the Spanish, Mexican, or Early American periods is limited. According to the 1852 and 1853 Coast Survey Maps, the project site was empty of permanent structures during the Gold Rush era; however, several buildings, including dwellings and encampments, had been built in the surrounding blocks of downtown San Francisco during this time. It is possible that the project site might have been settled by squatters setting up temporary camps during the Gold Rush era. Although no permanent structures are pictured on early 1850s maps, permanent structures may have been present on the project site as early as 1853. The earliest map showing the first recorded structure on the project site is the 1859 U.S. Coast Survey map. No additional information about the occupants and use of this building could be determined. Refuse pits and wells related to this building may still exist beneath the project site. However, basement disturbance and cutting during the 1860s may have affected historic archaeological resources close to the ground surface at the project site. Overall, there is a limited possibility that mid-19th century archaeological deposits of significance exist within the confines of the project site.

The project site was densely developed by the end of the 1860s. Late 19th-century Sanborn maps show the project site densely developed with retail, manufacturing, and commercial buildings. Well-known establishments within the project site included the Hale Brothers Dry Goods Store at 937-947 Market Street and the Café Zinkand along Stevenson Street. By 1903, telephone directories indicate that the Hale Brothers Dry Goods store had been relocated on Market Street closer to the corner of Market and Sixth Streets. The most prominent business within the project site in 1906 was the Café Zinkand, a German café opened in the 1890s by Charles Zinkand, a German immigrant. The café was located at the eastern end of the project site along Stevenson

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[44] The prehistoric site CA-SFR-113 was found at various locations between nine and 19 feet below ground surface. The width of CA-SFR-113 is greater than the distance between CA-SFR-113 and the project site, and since the site was characterized by multiple discontinuous loci, it is possible that it extends into the present project site.

Street and was well known as a fixture in San Francisco's bohemian dining scene. The café thrived until it was destroyed in the 1906 earthquake.[45]

The project site was destroyed in the 1906 earthquake and fire, and was completely rebuilt by 1913. Post-earthquake, project site usage included stores, theaters, and Turkish baths. It is possible that archaeological remains from businesses that were in operation pre-earthquake, such as William Cline's grocery store and the Palm Dining Parlor along Market Street and the Café Zinkand, were encapsulated within the earthquake debris beneath the project site. Cultural materials buried within earthquake rubble have the potential to yield significant remains in the event that the deposit has sufficient integrity. However, basement disturbance and cutting during the 1900s may have already removed this debris.

Residential uses were present within the project site along Stevenson Street and above stores along Market Street during the 1880s, but were gone by 1900. Residential refuse deposits associated with these uses and a large boarding house on Market Street may be found beneath the project site. These deposits are expected to be located along the rear lot lines of houses pictured on Sanborn maps where privies or refuse pits may have been dug. However, it is unlikely that intact pit refuse features from the late 19th and early 20th centuries will be found beneath the project site due to the relatively early spread of municipal plumbing to the Market Street corridor.

At the project site, it is possible that disturbance and cutting related to modern basements may have affected resources close to the surface. In the event that historical archaeological resources remain beneath the project site, they are expected to exist within 15 to 20 feet of the ground surface. Based on archival research, the most historically significant potential late 19th-century commercial resource is the Café Zinkand. It is expected that archaeological deposits from the late 19th century within the CityPlace project area may answer research questions about infrastructure and waste disposal systems, and how they vary according to economic class.

The proposed project development would require excavation of most of the project site up to a depth of approximately 41 feet. The proposed excavation would be approximately 30 feet deeper than the existing on-site 11-foot-deep basement and foundations covering the entire project site. A small portion of the project site would be excavated down to 31.5 feet, taking into account the approximately 6,315 sq. ft. of unexcavated area along Stevenson Street at the third basement (B3) level (see Figure 11: Proposed Third Basement Floor (B3) Plan, **p. 15**). The impact of the existing 11-foot-deep basement on previously existing cultural resources is unknown.

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[45] Clarence Edwords described Café Zinkand in his 1914 book of counterculture dining establishments entitled *Bohemian San Francisco* as "distinctly German in appointments and cooking and was the best of its kind in the city" (Edwords 1914). A postcard from Zinkand's depicts the exterior of the building, the interior of the banquet room, and the interior of the "ladies bar and grill" (Vintage Collectable Postcards 2006), revealing spacious rooms and ornate décor.

Since the proposed project involves disturbance of soils on site, it has the potential to affect significant prehistoric and historic archaeological resources buried beneath the existing buildings on site. Given the likelihood of encountering significant subsurface cultural resources within the project site, the ARDTP includes specific, feasible treatment measures that, when implemented, would mitigate potential project impacts on archeological resources to a less-than-significant level. Accordingly, in order to reduce potential impacts on significant archaeological resources, the project sponsor has agreed to comply with Mitigation Measure Cul-1 (Testing), **pp. 97-101**, and it is incorporated as part of the project. With implementation of this mitigation measure, the proposed project would not have any significant impacts on archaeological resources.

If human remains are encountered during project-related construction activities, drilling at that location shall stop and the San Francisco City and County Coroner shall be notified (as required by California Health and Safety Code Section 7050.5). In the event that the human remains are believed to be those of a Native American, the Most Likely Descendent will be identified, who will formulate an appropriate treatment plan in consultation with the project archeological consultant (as required by California Public Resources Code Section 5097.98). An appropriate treatment plan is expected to include removal of the remains with scientific recording and study, and timely return of the remains to the Most Likely Descendent for final reinterment. These requirements are incorporated into Mitigation Measure Cul-1, and would reduce potential impacts related to the discovery of human remains to a less-than significant level.

For the reasons noted above, the impact of the project on archaeological resources would be less than significant, and this topic will not be discussed further in the EIR.

Question 4c: The project site is completely developed with three buildings and is in a highly urban area. Therefore, the proposed project would not affect any unique geologic features. The project site is underlain by approximately 10 to 20 feet of fill, with Dune sand beneath the fill. The project would involve limited excavation into the underlying Colma Formation bedrock. For that reason, and given that few prior excavations in San Francisco have unearthed significant paleontological resources, it is unlikely that the project would disturb any unique paleontological resources. This topic requires no further discussion in the EIR.

Topics:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
5. **TRANSPORTATION AND CIRCULATION— Would the project:**					
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	☒	☐	☐	☐	☐
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways (unless it is practical to achieve the standard through increased use of alternative transportation modes)?	☒	☐	☐	☐	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels, obstructions to flight, or a change in location, that results in substantial safety risks?	☐	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?	☒	☐	☐	☐	☐
e) Result in inadequate emergency access?	☐	☐	☒	☐	☐
f) Result in inadequate parking capacity that could not be accommodated by alternative solutions?	☒	☐	☐	☐	☐
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., conflict with policies promoting bus turnouts, bicycle racks, etc.), or cause a substantial increase in transit demand which cannot be accommodated by existing or proposed transit capacity or alternative travel modes?	☒	☐	☐	☐	☐

Questions 5a–5b: The visitors to the project site and employees of the proposed retail uses would place increased demands on the local transportation system, including increased traffic, transit demand, and parking demand. The EIR will discuss the effects of the proposed project related to transportation and circulation, including potential impacts on intersection operations, transit demand, pedestrian circulation, parking, bicycles, and freight loading, as well as construction impacts.

Question 5c: The project site is not located within an airport land use plan area or in the vicinity of a private airstrip. Therefore, topic 5c is not applicable to the proposed project.

Question 5d: The proposed project would include the construction of an access point to the parking garage from Stevenson Street. The EIR will discuss the effects of the proposed project related to transportation and circulation, including potential hazards.

Question 5e: The project site is located in downtown San Francisco with existing emergency access to the site from both Market and Stevenson Streets. Impacts related to emergency access as a result of the proposed project will be discussed further in the EIR.

Question 5f: The EIR will address the effects of the proposed project on parking.

Question 5g: The EIR will address the effects of the proposed project on alternative transportation.

Topics:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
6. NOISE—Would the project:					
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☒	☐	☐	☐	☐
b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐	☐
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☒	☐	☐	☐	☐
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	☐
e) For a project located within an airport land use plan area, or, where such a plan has not been adopted, in an area within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels?	☐	☐	☐	☐	☒
f) For a project located in the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☐	☒
g) Be substantially affected by existing noise levels?	☐	☐	☒	☐	☐

Question 6a through 6d, 6g: Existing surrounding, or ambient, noise levels in the project area are typical of noise levels in urban San Francisco, which are dominated by vehicular traffic, including trucks, cars, Muni buses, and emergency vehicles. Traffic-related noise is particularly apparent along the Market Street transportation corridor, which is a major arterial for cars, trucks, buses and below-grade rail service. Other sources of noise in the project area include surrounding commercial, office and public land uses, such as the NRG thermal steam plant across Stevenson

Street to the south. Noise modeling and measurements of locations in the project area estimate noise levels at 66 to 75 dBA, Ldn, with the highest noise levels along Market Street.[46;47]

The nearest sensitive noise receptors[48] are the residences located between Stevenson and Jessie Streets, directly across Stevenson Street and southeast of the project site. These residences include the recently converted live/work lofts at 410-424 Jessie Street.

Construction Noise

Construction and demolition activities proposed as part of the project would result in on- and off-site noise increases. Construction activities would include excavation and hauling, building erection, and finishing, and would result in noise that could be considered an annoyance by occupants of nearby properties. No pile driving would be necessary for the new building foundations, and the use of explosives for demolition is not proposed. Tunnels that contain rail lines for the BART and Muni subway systems underlie Market Street and are located about 25 feet northwest of the project site. Since the proposed project is located in proximity to BART and Muni subway tunnels, BART would require the project sponsor/contractor to monitor vibration related to construction of the proposed project. Overall, construction of the proposed project would not result in significant exposure to groundborne vibration, and vibration impacts would be less than significant. Vibration effects of the proposed project will not be discussed further in the EIR.

On-site and off-site noise level increases due to construction and demolition activities would be temporary and intermittent and would occur at different times throughout the phases of project construction, estimated to occur over 25 months. The magnitude of the construction noise would fluctuate depending on the type of construction activity, the sound level generated by the various pieces of construction equipment in operation, the duration of the noise, the distance between the noise source and listener, and the presence or absence of noise barriers. Impacts would generally be limited to the period of demolition, excavation and initial construction. The noise heard from interior construction typically is reduced substantially following the construction of exterior walls.

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[46] *Mid-Market Redevelopment Plan Final EIR*, Case No. 2002.0805E, September 18, 2003, pp. 148-149; and *San Francisco General Plan*, Environmental Protection Element, Map 2, Thoroughfare Noise Levels, 1974.

[47] Noise is measured in decibels (dB). The A-weighted sound level or "noise level" is referenced in units of dB(A). It has been developed because the human ear does not respond uniformly to sounds at all frequencies. A doubling of sound energy results in a 3.0 dB(A) increase in noise levels. A 5.0 dB(A) increase is readily noticeable to the human ear and the human ear perceives a 10.0 dB(A) increase in sound level to be a doubling of sound. Average noise exposure over a 24-hour period is often measured as a day-night average sound level (Ldn).

[48] Given the potential effects of noise on people, some land uses are considered more sensitive to ambient noise levels than others. In general, residences, schools, hospitals, and nursing homes are considered to be more sensitive to noise.

Construction noise is regulated by the San Francisco Noise Ordinance (Article 29 of the *San Francisco Police Code*). The ordinance requires that noise levels from individual pieces of construction equipment, other than impact tools, not exceed 80 dB(A) at a distance of 100 feet from the source. Impact tools (e.g., jackhammers, pile drivers, and impact wrenches) must have both intake and exhaust muffled to the satisfaction of the Director of Public Works. Section 2908 of the ordinance prohibits construction work between 8:00 p.m. and 7:00 a.m., if the noise would exceed the ambient noise level by 5 dB(A) at the project property line, unless a special permit is authorized by the Director of Public Works. The sensitive noise receptors near the project site, including the residential uses just southeast of the site, are already in an area with relatively high ambient noise levels (due primarily to vehicle traffic along and near Market Street); project-related construction noise would not add substantially to ambient noise levels. In addition, the proposed project would be required to comply with the Noise Ordinance, helping to minimize construction noise and limit the noise to certain hours. For those reasons, impacts related to construction noise would be less than significant. This topic will not be discussed further in the EIR.

Traffic-Related Noise

As indicated above, in urban San Francisco, vehicular traffic makes the greatest contribution to ambient noise levels. The proposed project would result in an increase in vehicle trips to and from the site, and could increase traffic noise levels in the project area. Based on published scientific acoustic studies, an approximate doubling of traffic volumes would be necessary to produce an increase in ambient noise levels noticeable to most people.

Project-generated traffic would enter and exit the proposed parking garage from Stevenson Street, and some drivers would likely park at the nearby Fifth & Mission Garage, adding vehicle trips to Stevenson, Market, Mission, Fourth, and Fifth Streets. Based on preliminary analysis of estimated daily traffic volumes on Fifth and Sixth Streets and Market Street near the project site, the proposed project is not expected to result in a doubling of traffic volumes on those roads.[49] The proposed project could generate up to 1,790 trips on Stevenson Street on each side of the garage driveway.[50] This increase in trips could lead to a noticeable noise increase along Stevenson Street, which typically carries relatively light traffic.[51] Potential traffic noise effects of the proposed project will be analyzed further in the EIR.

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[49] San Francisco Department of Parking and Traffic, Traffic Counts, 1/3/2007, at http://www.sfgov.org/site/dpt_index.asp (Traffic Engineering/Traffic Counts), accessed January 16, 2007.

[50] Rubendall, Geoffrey, DMJM Harris, written communication, January 4, 2008. The actual increase in traffic could be less than noted, as not all of the project-related vehicles would park in the proposed garage.

[51] The typical weekday volume on Stevenson Street is about 500 vehicles. Tim Erney, DMJM Harris, personal communication, January 16, 2007.

Stationary Noise

The proposed project would include mechanical equipment, such as air conditioning units, that could produce operational noise. All such operations would be subject to the San Francisco Noise Ordinance, Article 29 of the *San Francisco Police Code*, which establishes noise limits for fixed noise sources such as building equipment. Compliance with Article 29, Section 2909, would minimize noise from building operations, and substantial increases in ambient noise levels due to building equipment noise would not be expected. Therefore, effects of the proposed project related to operational noise would not be significant and will not be discussed further in the EIR.

The proposed project would include three full-size loading spaces for trucks and one smaller space for a van, at the rear of the ground floor, that would be accessed directly from Stevenson Street. Some nearby noise-sensitive receptors (i.e., the residences along Stevenson Street) could perceive noise from the additional loading and unloading activities at the new building. Typical noises would be associated with truck doors closing, hand trucks or dollies rolling up curbs or loading ramps, and truck engines starting. Loading and unloading would be expected to occur generally during daytime business hours. In the context of the relatively high existing traffic noise levels in the vicinity during the day, noise from loading and unloading activities would not be considered a significant increase, and would not represent a significant impact. Therefore, this topic will not be evaluated in the EIR.

Interior Noise

The proposed project does not include any residential uses (which would be considered more sensitive than retail uses to existing ambient noise levels). The proposed retail building would provide adequate noise attenuation for the building's employees and visitors. Therefore, the proposed project would not expose persons within the building to significant noise levels, and this topic will not be discussed further in the EIR.

Questions 6e–6f: The project site is not located within two miles of any airport. Therefore, these issues would not be applicable to the proposed project.

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
7. **AIR QUALITY** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. **Would the project:**					
a) Conflict with or obstruct implementation of the applicable air quality plan?	☒	☐	☐	☐	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☒	☐	☐	☐	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal, state, or regional ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☒	☐	☐	☐	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☒	☐	☐	☐	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐	☐

The proposed project is located within the San Francisco Bay Area Air Basin, which encompasses San Francisco and surrounding counties and is under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). Since most of San Francisco's topography is below 200 feet, marine air typically flows easily across most of the City, making its climate cool and windy. Winds within the project area are generally from the west-southwest, west, and west-northwest.

Regulation of air quality and emissions is achieved through both Federal and State ambient air quality standards and limits for sources of air pollutants. Criteria air pollutants include ozone, carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), particulate matter (PM_{10} & $PM_{2.5}$) and lead. The California Air Resources Board (CARB) has adopted more stringent ambient air quality standards (State standards) for most of the criteria pollutants. The San Francisco Air Basin has a history of air quality violations for ozone, CO, and particulate matter. The basin currently does not meet the State ambient air quality standards for ozone, PM_{10}, and $PM_{2.5}$. BAAQMD has adopted air quality management plans over the years to address control methods and strategies to meet air quality standards, the latest plans being the *Bay Area 2000 Clean Air Plan, 2001 Ozone Attainment Plan,* and *2005 Bay Area Ozone Strategy.*[52]

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[52] State and Federal air quality standards and the Bay Area's attainment status can be viewed on the BAAQMD website at http:www.baaqmd.gov.

Questions 7a-7e: The following discussion addresses potential air quality impacts of project construction and operation, and potential odors and toxic air emissions from the project. A discussion of potential climate change impacts is also included.

Construction-Related Impacts

During project construction, the operation of equipment and combustion of vehicle fuel would emit hydrocarbons, nitrogen oxides (NO_x), CO, SO_2, PM_{10}, and $PM_{2.5}$. Dust emissions during demolition and grading would increase particulate concentrations near the project site. A portion of these emissions would likely result from equipment traveling over unpaved areas, and such dust emissions would have the greatest nuisance potential. Fugitive dust is emitted during disturbance of soil and as a result of wind erosion over exposed earth. Dustfall can be expected at times on surfaces within 200 to 800 feet of the source.

Demolition, excavation, grading, foundation, and other ground-disturbing construction activity would affect localized air quality for up to about six months, causing a temporary increase in particulate dust and other pollutants. Sensitive receptors in proximity to the project site that could be affected by construction would include the residences in the live/work lofts located between Stevenson and Jessie Streets, immediately southeast of the project site.

The BAAQMD's approach to analysis of construction impacts is to emphasize implementation of effective and comprehensive control measures rather than detailed quantification of emissions.[53] In order to reduce the quantity of dust generated during site preparation and construction, the project sponsor has agreed to implement **Mitigation Measure AQ-1** (identified on **p. 97**), incorporating the BAAQMD particulate control measures, such as spraying the project site with reclaimed water, covering stockpiles, and sweeping surrounding streets, that are applicable to all construction sites. The project sponsor also has agreed to implement measures (included in AQ-1) to reduce construction exhaust emissions of PM_{10}. With implementation of these measures, the potential construction-related air quality effects of the proposed project would be reduced to a less-than-significant level and this topic will not be discussed further in the EIR.

Operation-Related Impacts

The BAAQMD has established thresholds for projects requiring a quantified analysis of potential air quality impacts. These thresholds are based on the minimum size of projects that the BAAQMD considers capable of producing air quality problems due to vehicular emissions. The BAAQMD "generally does not recommend a detailed air quality analysis for projects generating less than 2,000 vehicle trips per day, unless warranted by the specific nature of the project or project setting."[54] The vehicle trips generated by the proposed project would exceed this screening threshold. Therefore, the operation-related impacts of the proposed project were estimated using the URBEMIS model approved by the BAAQMD. The model results show that the operational emissions of the proposed project would not exceed any of the significance thresholds for criteria pollutants.[55] Therefore, the operation-related air quality impacts of the project would be less than significant, and this topic will not be discussed further in the EIR.

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[53] BAAQMD, *CEQA Guidelines*, Assessing the Air Quality Impacts of Projects and Plans, December 1999.

Odors and Toxic Air Emissions

The proposed retail project would not result in a perceptible increase or change in odors on the project site or in the project vicinity. Odors from the project (such as those from vehicle operation or food preparation) would be typical of those in the project area. Odors from food service facilities would be controlled in accordance with BAAQMD Regulation 7 for odorous emissions and applicable requirements of the San Francisco Department of Public Health for proper kitchen filtration and food storage and disposal. Consequently, no significant impacts from odors are expected.

Toxic air pollutants would not be expected to occur in any large amounts in conjunction with the operation of the proposed project. The proposed project would require the operation of heating and cooling equipment that could emit trace quantities of toxic air contaminants; these emissions are common to commercial developments and would not be considered substantial.

In 1998, the CARB identified diesel particulate matter as a toxic air contaminant based on research indicating that long-term exposure to diesel particulate can increase the risk of a person developing cancer. Based on studies that show health risk from traffic-generated pollutants evident within 1,000 feet of major roadways (particularly for downwind receptors), and that exposure to traffic-generated pollutants is "greatly reduced at approximately 300 feet," the CARB's *Air Quality and Land Use Handbook* recommends that local agencies "avoid siting new sensitive land uses[56] within 500 feet of a freeway [or] urban roads with more than 100,000 vehicles/day…."[57] The proposed project would not include sensitive uses as defined by the

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[54] BAAQMD, *CEQA Guidelines*, December 1999.

[55] Criteria air pollutant emissions calculations prepared by Donald Ballanti, Consulting Meteorologist, June 16, 2008. This information is on file with the Planning Department, 1650 Mission Street, Suite 400, San Francisco, and is available for public review, by appointment, as part of Case File No. 2005.1074E.

[56] ARB, *Air Quality and Land Use Handbook*, April 2005. Available on the internet at: http://www.arb.ca.gov/ch/handbook.pdf. The Handbook (p. 2) describes "sensitive land uses" as including residences, schools, day care centers, playgrounds, and medical facilities, as these uses are locations where "sensitive individuals" ["those segments of the population most susceptible to poor air quality (i.e., children, the elderly, and those with pre-existing serious health problems affected by air quality)"] are most likely to spend time.

[57] ARB, *Air Quality and Land Use Handbook*, April 2005, p. 4, Table 1-1.

CARB, nor is the site within 500 feet of a freeway or urban road that carries more than 100,000 vehicles per day.[58]

Given the above information, project impacts with respect to odors and toxic air contaminants would not be significant and will therefore not be discussed further in the EIR.

Greenhouse Gases

Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs) because they capture heat radiated from the sun as it is reflected back into the atmosphere, much like a greenhouse does. The accumulation of GHGs has been implicated as a driving force for global climate change. Definitions of climate change vary between and across regulatory authorities and the scientific community, but in general can be described as the changing of the earth's climate caused by natural fluctuations and anthropogenic activities which alter the composition of the global atmosphere.

Individual projects contribute to the cumulative effects of climate change by emitting GHGs during demolition, construction and operational phases. The principal GHGs are carbon dioxide, methane, nitrous oxide, ozone, and water vapor. (Ozone–not directly emitted, but formed from other gases–in the troposphere, the lowest level of the earth's atmosphere, also contributes to the retention of heat.) While the presence of the primary GHGs in the atmosphere is naturally occurring, carbon dioxide (CO2), methane (CH4), and nitrous oxide (N2O) are largely emitted from human activities, accelerating the rate at which these compounds occur within earth's atmosphere. Carbon dioxide is the "reference gas" for climate change, meaning that emissions of GHGs are typically reported in "carbon dioxide-equivalent" measures. Emissions of carbon dioxide are largely by-products of fossil fuel combustion, whereas methane results from off-gassing associated with agricultural practices and landfills. Other GHGs, with much greater heat-absorption potential than carbon dioxide, include hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and are generated in certain industrial processes. There is international scientific consensus that human-caused increases in GHGs have and will continue to contribute to global warming, although there is uncertainty concerning the magnitude and rate of the warming. Potential global warming impacts in California may include, but are not limited to, loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years.[59] Secondary effects are likely to include a global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity.

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[58] California Department of Public Health, Environmental Health Investigations Branch, CEHTP Traffic Linkage Analysis, September 5, 2008. The results show the sum of all unadjusted traffic volumes within the buffer to be 71,174 vehicles. This information is on file with the Planning Department, 1650 Mission Street, Suite 400, San Francisco, and is available for public review, by appointment, as part of Case File No. 2005.1074E.

The California Energy Commission (CEC) estimated that in 2004 California produced 500-million gross metric tons (about 550-million U.S. tons) of carbon dioxide-equivalent GHG emissions.[60] The CEC found that transportation is the source of 38 percent of the State's GHG emissions, followed by electricity generation (both in-state and out-of-state) at 23 percent and industrial sources at 13 percent.[61] In the Bay Area, fossil fuel consumption in the transportation sector (on-road motor vehicles, off-highway mobile sources, and aircraft) is the single largest source of the Bay Area's GHG emissions, accounting for just over half of the Bay Area's 85-million tons of GHG emissions in 2002. Industrial and commercial sources were the second largest contributors of GHG emissions with about one-fourth of total emissions. Domestic sources (e.g., home water heaters, furnaces, etc.) account for about 11 percent of the Bay Area's GHG emissions, followed by power plants at 7 percent. Oil refining currently accounts for approximately 6 percent of the total Bay Area GHG emissions.[62]

Statewide Actions

In 2005, in recognition of California's vulnerability to the effects of climate change, Governor Schwarzenegger established Executive Order S-3-05, which sets forth a series of target dates by which statewide emission of greenhouse gases (GHG) would be progressively reduced, as follows: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; and by 2050, reduce GHG emissions to 80 percent below 1990 levels.[63]

In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill No. 32; California Health and Safety Code Division 25.5, Sections 38500, et seq., or AB 32), which requires the California Air Resources Board (CARB) to design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020 (representing a 25 percent reduction in emissions).

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[59] California Air Resources Board (ARB), 2006a. Climate Change website (http://www.arb.ca.gov/cc/120106workshop/intropres12106.pdf) accessed December 4, 2007.

[60] Because of the differential heat absorption potential of various GHGs, GHG emissions are frequently measured in "carbon dioxide-equivalents," which present a weighted average based on each gas's heat absorption (or "global warming") potential.

[61] California Energy Commission, *Inventory of California Greenhouse Gas Emissions and Sinks: 1990 to 2004 -Final Staff Report*, publication # CEC-600-2006-013-SF, December 22, 2006; and January 23, 2007 update to that report. Available on the internet at: http://www.arb.ca.gov/cc/ccei/emsinv/emsinv.htm.

[62] BAAQMD, *Source Inventory of Bay Area Greenhouse Gas Emissions: Base Year 2002*, November 2006. Available on the internet at: http://www.baaqmd.gov/pln/ghg_emission_inventory.pdf.

[63] California Air Resources Board (CARB), *Climate Change Draft Scoping Plan: A Framework for Change,* June 2008 Discussion Draft. Available on the internet at: http://www.climatechange.ca.gov/index.php. Accessed July 29, 2008.

AB 32 establishes a timetable for the CARB to adopt emission limits, rules, and regulations designed to achieve the intent of the Act. CARB staff is preparing a scoping plan to meet the 2020 greenhouse gas reduction limits outlined in AB 32. In order to meet these goals, California must reduce its greenhouse gases by 30 percent below projected 2020 business-as-usual emissions levels, or about 10 percent from today's levels. In June 2008, CARB released its Draft Scoping Plan, which estimates a reduction of 169 million metric tons of CO_2-eq ($MMTCO_2$-eq). Approximately one-third of the emissions reductions strategies fall within the transportation sector and include the following: California Light-Duty Vehicle GHG standards, the Low Carbon Fuel Standard, Heavy-Duty Vehicle GHG emission reductions and energy efficiency, and medium and heavy-duty vehicle hybridization, high speed rail, and efficiency improvements in goods movement. These measures are expected to reduce GHG emissions by 60.2 $MMTCO_2$-eq. Emissions from the electricity sector are expected to reduce another 49.7 $MMTCO_2$-eq. Reductions from the electricity sector include building and appliance energy efficiency and conservation, increased combined heat and power, solar water heating (AB 1470), the renewable energy portfolio standard (33 percent renewable energy by 2020), and the existing million solar roofs program. Other reductions are expected from industrial sources, agriculture, forestry, recycling and waste, water, and emissions reductions from cap-and-trade programs. Local government actions and regional GHG targets are also expected to yield a reduction of 2 $MMTCO_2$-eq.[64] Measures that could become effective during implementation pertain to construction-related equipment and building and appliance energy efficiency. Some proposed measures will require new legislation to implement, some will require subsidies, some have already been developed, and some will require additional effort to evaluate and quantify. Additionally, some emissions reductions strategies may require their own environmental review under CEQA or the National Environmental Policy Act (NEPA). Applicable measures that are ultimately adopted will become effective during implementation of the proposed project and the proposed project could be subject to these requirements, depending on the proposed project's timeline.

Local Actions

San Francisco has a history of environmental protection policies and programs aimed at improving the quality of life for San Francisco's residents and reducing impacts on the environment. The following plans, policies and legislation demonstrate San Francisco's continued commitment to environmental protection.

Transit First Policy. In 1973 San Francisco instituted the Transit First Policy, which added Section 16.102 to the City Charter with the goal of reducing the City's reliance on freeways and meeting transportation needs by emphasizing mass transportation. The Transit First Policy gives priority to public transit investments; adopts street capacity and parking policies to discourage increased automobile traffic; and encourages the use of transit, bicycling and walking rather than use of single-occupant vehicles.

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[64] Ibid.

San Francisco Sustainability Plan. In July 1997 the Board of Supervisors approved the Sustainability Plan for the City of San Francisco establishing sustainable development as a fundamental goal of municipal public policy.

The Electricity Resource Plan (Revised December 2002). San Francisco adopted the Electricity Resource Plan to help address growing environmental health concerns in San Francisco's southeast community, home of two power plants. The plan presents a framework for assuring a reliable, affordable, and renewable source of energy for the future of San Francisco.

The Climate Action Plan for San Francisco. In February 2002, the San Francisco Board of Supervisors passed the Greenhouse Gas Emissions Reduction Resolution (Number 158-02) committing the City and County of San Francisco to a GHG emissions reduction goal of 20 percent below 1990 levels by the year 2012. In September 2004, the San Francisco Department of the Environment and the Public Utilities Commission published the Climate Action Plan for San Francisco: Local Actions to Reduce Greenhouse Gas Emissions.[65] The Climate Action Plan provides the context of climate change in San Francisco and examines strategies to meet the 20 percent greenhouse gas reduction target. Although the Board of Supervisors has not formally committed the City to perform the actions addressed in the Plan, and many of the actions require further development and commitment of resources, the Plan serves as a blueprint for GHG emission reductions, and several actions have been implemented or are now in progress.

San Francisco Municipal Transportation Agency's Zero Emissions 2020 Plan. The SFMTA's Zero Emissions 2020 plan focuses on the purchase of cleaner transit buses including hybrid diesel-electric buses. Under this plan hybrid buses will replace the oldest diesel buses, some dating back to 1988. The hybrid buses emit 95 percent less particle matter (PM, or soot) than the buses they replace, they produce 40 percent less oxides of nitrogen (NOx), and they reduce greenhouse gases by 30 percent.

LEED® Silver for Municipal Buildings. In 2004, the City amended Chapter 7 of the Environment Code, requiring all new municipal construction and major renovation projects to achieve LEED® Silver Certification from the US Green Building Council.

Zero Waste. In 2004, the City of San Francisco committed to a goal of diverting 75 percent of its' waste from landfills by 2010, with the ultimate goal of zero waste by 2020. San Francisco currently recovers 69 percent of discarded material.

Construction and Demolition Debris Recovery Ordinance. In 2006 the City of San Francisco adopted Ordinance No. 27-06, requiring all construction and demolition debris to be transported to a registered facility that can divert a minimum of 65 percent of the material from landfills. This ordinance applies to all construction, demolition and remodeling projects within the City.

Greenhouse Gas Reduction Ordinance. In May 2008, the City of San Francisco adopted an ordinance amending the San Francisco Environment Code to establish City greenhouse gas emission targets and departmental action plans, to authorize the Department of the Environment to coordinate efforts to meet these targets, and to make environmental findings. The ordinance establishes the following greenhouse gas emission reduction limits for San Francisco and the target dates to achieve them:

- Determine 1990 City greenhouse gas emissions by 2008, the baseline level with reference to which target reductions are set;
- Reduce greenhouse gas emissions by 25 percent below 1990 levels by 2017;
- Reduce greenhouse gas emissions by 40 percent below 1990 levels by 2025; and
- Reduce greenhouse gas emissions by 80 percent below 1990 levels by 2050.

The ordinance also specifies requirements for City departments to prepare departmental Climate Action Plans that assess, and report to the Department of the Environment, GHG emissions associated with their department's activities and activities regulated by them, and prepare recommendations to reduce emissions. As part of this, the San Francisco Planning Department is required to: (1) update and amend the City's applicable *General Plan* elements to include the emissions reduction limits set forth in this ordinance and policies to achieve those targets; (2) consider a project's impact on the City's GHG reduction limits specified in this ordinance as part of its review under CEQA; and (3) work with other City departments to enhance the "transit first" policy to encourage a shift to sustainable modes of transportation thereby reducing emissions and helping to achieve the targets set forth by this ordinance.

Go Solar SF. On July 1, 2008, the San Francisco Public Utilities Commission (SFPUC) launched their "GoSolarSF" program to San Francisco's businesses and residents, offering incentives in the form of a rebate program that could pay for approximately half the cost of installation of a solar power system, and more to those qualifying as low-income residents.

City of San Francisco's Green Building Ordinance. On August 4, 2008, Mayor Gavin Newsom signed into law San Francisco's Green Building Ordinance for newly constructed residential and commercial buildings and renovations to existing buildings. The ordinance specifically requires newly constructed commercial buildings over 5,000 square feet (sq. ft.), residential buildings over

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[65] San Francisco Department of the Environment and San Francisco Public Utilities Commission, *Climate Action Plan for San Francisco*, Local Actions to Reduce Greenhouse Emissions, September 2004.

75 feet in height, and renovations on buildings over 25,000 sq. ft. to be subject to an unprecedented level of LEED® and green building certifications, which makes San Francisco the city with the most stringent green building requirements in the nation. Cumulative benefits of this ordinance include reducing CO_2 emissions by 60,000 tons, saving 220,000 megawatt hours of power, saving 100 million gallons of drinking water, reducing waste and storm water by 90 million gallons of water, reducing construction and demolition waste by 700 million pounds, increasing the valuations of recycled materials by $200 million, reducing automobile trips by 540,000, and increasing green power generation by 37,000 megawatt hours.[66]

The Green Building Ordinance also continues San Francisco's efforts to reduce the City's greenhouse gas emissions to 20 percent below 1990 levels by the year 2012, a goal outlined in the City's 2004 Climate Action Plan. In addition, by reducing San Francisco's emissions, this ordinance also furthers the State's efforts to reduce greenhouse gas emissions statewide as mandated by the California Global Warming Solutions Act of 2006.

The City has also passed ordinances to reduce waste from retail and commercial operations. Ordinance 295-06, the Food Waste Reduction Ordinance, prohibits the use of polystyrene foam disposable food service ware and requires biodegradable/compostable or recyclable food service ware by restaurants, retail food vendors, City Departments and City contractors. Ordinance 81-07, the Plastic Bag Reduction Ordinance, requires stores located within the City and County of San Francisco to use compostable plastic, recyclable paper and/or reusable checkout bags.

The San Francisco Planning Department and Department of Building Inspection have also developed a streamlining process for Solar Photovoltaic (PV) Permits and priority permitting mechanisms for projects pursuing LEED® Gold Certification.

The City's *Planning Code* reflects the latest smart growth policies and includes: electric vehicle refueling stations in city parking garages, bicycle storage facilities for commercial and office buildings, and zoning that is supportive of high density mixed-use infill development. The City's more recent area plans, such as Rincon Hill and the Market and Octavia Area Plan, provide transit-oriented development policies. At the same time there is also a community-wide focus on ensuring San Francisco's neighborhoods as "livable" neighborhoods, including the Better Streets Plan that would improve streetscape policies throughout the City, the Transit Effectiveness Plan, that aims to improve transit service, and the Bicycle Plan, all of which promote alternative transportation options. The City also provides incentives to City employees to use alternative commute modes and the City recently introduced legislation that would require almost all employers to have comparable programs.

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[66] These findings are contained within the final Green Building Ordinance, signed by the Mayor August 4, 2008.

Each of the policies and ordinances discussed above includes measures that would decrease the amount of greenhouse gases emitted into the atmosphere and decrease San Francisco's overall contribution to climate change.

Impacts

Although neither the Bay Area Air Quality Management District (BAAQMD) or any other agency has adopted significance criteria for evaluating a project's contribution to climate change, the Office of Planning and Research (OPR) has asked the California Air Resources Board to "recommend a method for setting thresholds of significance to encourage consistency and uniformity in the CEQA analysis of GHG emissions" throughout the state because OPR has recognized that "the global nature of climate change warrants investigation of a statewide threshold for GHG emissions."[67] In the interim, on June 19, 2008 OPR released a Technical Advisory for addressing climate change through CEQA review. OPR's technical advisory offers informal guidance on the steps that lead agencies should take to address climate changes in their CEQA documents, in the absence of statewide thresholds. OPR will develop, and the California Resources Agency will certify and adopt amendments to the CEQA guidelines on or before January 1, 2010, pursuant to Senate Bill 97.

The informal guidelines in OPR's technical advisory provide the basis for determining the proposed project's contribution of greenhouse gas emissions and the project's contribution to global climate change. In the absence of adopted statewide thresholds, OPR recommends the following approach for analyzing greenhouse gas emissions:

1) Identify and quantify the project's greenhouse gas emissions;
2) Assess the significance of the impact on climate change; and
3) If the impact is found to be significant, identify alternatives and/ or mitigation measures that would reduce the impact to less than significant levels.

The following analysis is based on OPR's recommended approach for determining a project's contribution to and impact on climate change.

Identifying and quantifying a project's greenhouse gas emissions. OPR's technical advisory states that "the most common GHG that results from human activity is carbon dioxide, followed by methane and nitrous oxide." State law defines GHG to also include hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. These latter GHG compounds are usually emitted in industrial processes, and therefore not applicable to the proposed project, however, the GHG calculation does include emissions from CO_2, N_2O, and CH_4, as recommended by OPR. The informal guidelines also advise that lead agencies should calculate, or estimate, emissions from vehicular traffic, energy consumption, water usage and construction activities. The calculation presented below includes construction emissions in terms of CO_2[68], and annual CO_2-eq GHG emissions from increased vehicular traffic, energy consumption, as well as estimated GHG emissions from solid waste disposal. While San Francisco's population and businesses are expected to increase, overall projected water demand for San Francisco in 2030 is expected to decrease from current water demand due to improvements in plumbing code requirements and additional water conservation measures implemented by the San Francisco Public Utilities Commission (SFPUC).[69] Given the anticipated degree of water conservation, GHG emissions associated with the transport and treatment of water usage would similarly decrease through 2030, and therefore increased GHG emissions from water usage are not expected.

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[67] Governor's Office of Planning and Research. *Technical Advisory- CEQA and Climate Change: Addressing Climate Change to the California Environmental Quality Act (CEQA) Review.* June 19, 2008. This document is available online at the Office of Planning and Research's website at: www.opr.gov. Accessed 07/24/2008.

The proposed project would increase the activity on site by demolishing three existing two- to five-story buildings and redeveloping the site with one five-story, 90-foot-tall commercial building. Therefore, the proposed project would contribute to annual long-term increases in GHGs as a result of traffic increases (mobile sources) and commercial operations associated with heating, energy use, water usage and wastewater treatment, and solid waste disposal (area sources). Construction of the proposed project would emit 423 tons CO_2-eq.[70] Direct project emissions of carbon dioxide equivalents (CO_2-eq) (including CO_2, NO_x, and CH_4 emissions) include 4,391 tons of CO_2-eq/year from transportation, and 797 tons of CO_2-eq /year from heating, for a total of 5,188 tons of CO_2-eq/year of project-emitted GHGs. The project would also indirectly result in GHG emissions from off-site electricity generation at power plants (approximately 2,283 tons of CO_2-eq/year) and from anaerobic decomposition of solid waste disposal at landfills, mostly in the form of methane (approximately 470 tons of CO_2-eq/year), for a GHG emissions total of approximately 7,941 tons of CO_2-eq/year. Construction emissions represent approximately 0.0005 percent of Bay Area GHGs emitted in 2002, and annual emissions represent approximately 0.009 percent of total Bay Area GHGs emitted in 2002.[71]

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[68] Construction emissions of carbon dioxide (CO_2) were calculated based on URBEMIS 2007 9.2.4 software. Attachment 2 of the Office of Planning and Research's *Technical Advisory- CEQA and Climate Change: Addressing Climate Change to the California Environmental Quality Act (CEQA) Review*, (June 19, 2008) lists and describes modeling tools used to calculate greenhouse gas emissions. URBEMIS is currently the only tool identified that has the capacity to calculate a project's CO_2 emissions from construction activities. It does not, however, calculate emissions from N_2O or CH_4, nor does any other modeling tool currently available. However emissions of these compounds would be a fraction of the total greenhouse gas emissions and therefore CO_2 is used as an indicator to estimate the construction-related emissions of the proposed project.

[69] The San Francisco Public Utilities Commission's (SFPUC) *City and County of San Francisco Retail Water Demands and Conservation Potential*, November 2004, documents the current and projected water demand given population and housing projections from Citywide Planning. This document is available at the SFPUC's website at: http://sfwater.org/detail.cfm/MC_ID/13/MSC_ID/165/C_ID/2281. Accessed 07/28/2008. The analysis provides projections of future (2030) water demand given anticipated water conservation measures from plumbing code changes, measures the SFPUC currently implements, and other measures the SFPUC anticipates on implementing. Conservation measures the SFPUC currently implements results in an overall reduction of 0.64 million gallons of water per day (mgd).

[70] Construction emissions and annual emissions are not intended to be additive as they occur at different points in the project's lifecycle. Construction emissions are one-time emissions that occur prior to building occupancy. Annual emissions are incurred only after construction of the proposed project and are expected to occur annually for the life of the project.

Assessing the significance of the impact on climate change. The project's incremental increases in GHG emissions associated with construction, traffic increases, commercial heating, electricity use, and solid waste disposal would contribute to regional and global increases in GHG emissions and associated climate change effects.

OPR encourages public agencies to adopt thresholds of significance, but notes that public agencies are not required to do so. Until a statewide threshold has been adopted, the Department analyzes a proposed project's contribution to climate change against the following significance criteria:

1) Does the project conflict with the state goal of reducing GHG emissions in California to 1990 levels by 2020, as set forth by the timetable established in AB 32 (California Global Warming Solutions Act of 2006), such that the project's GHG emissions would result in a substantial contribution to global climate change. **AND**
2) Does the proposed project conflict with San Francisco's Climate Action Plan such that it would impede implementation of the local greenhouse gas reduction goals established by San Francisco's Greenhouse Gas Reduction Ordinance.

The 2020 GHG emissions limit for California, as adopted by CARB in December of 2007, is approximately 427 $MMTCO_2$-eq. The proposed project's annual contribution would be approximately 0.002 percent of this total 2020 emissions limit, and therefore the proposed project would not generate sufficient emissions of GHGs to contribute considerably to the cumulative effects of GHG emissions such that it would impair the state's ability to implement AB32, nor would the proposed project conflict with San Francisco's local actions to reduce GHG emissions.

OPR's guidance states that, "Although climate change is ultimately a cumulative impact, not every individual project that emits GHGs must necessarily be found to contribute to a significant cumulative impact on the environment. CEQA authorizes reliance on previously approved plans and mitigation programs that have adequately analyzed and mitigated GHG emissions to a less than significant level as a means to avoid or substantially reduce the cumulative impact of a project". And, "In determining whether a proposed project's emissions are cumulatively considerable, the lead agency must consider the impact of the project when viewed in connection with the effects of "past, current and probable future projects."

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[71] The Bay Area Air Quality Management District reported regional Bay Area GHGs emissions in 2002 at approximately 85 million CO^2-eq tons. Bay Area 2002 GHG emissions are used as the baseline for determining whether a project's contributions are significant as these are the most recent emissions inventory for the Bay Area.

As discussed previously, San Francisco has been actively pursuing cleaner energy, transportation and solid waste policies. In an independent review of San Francisco's community wide emissions it was reported that San Francisco has achieved a 5 percent reduction in communitywide greenhouse gas emissions below the Kyoto Protocol 1990 baseline levels. The 1997 Kyoto Protocol sets a greenhouse gas reduction target of 7 percent below 1990 levels by 2012. The "community-wide inventory" includes greenhouse gas emissions generated by San Francisco by residents, businesses, and commuters, as well as municipal operations. The inventory also includes emissions from both transportation sources and from building energy sources.

Probable future greenhouse gas reductions will be realized by implementation of San Francisco's recently approved Green Building Ordinance. Additionally, the recommendations outlined in the Draft AB 32 Scoping Plan will likely realize major reductions in vehicle emissions.

Further, the State of California Attorney General's office has compiled a list of greenhouse gas reduction measures that could be applied to a diverse range of projects.[72] The proposed project would meet the intent of many of the greenhouse gas reduction measures identified by the Attorney General's office: (1) As infill development, the project would be constructed in an urban area with good transit access, reducing vehicle trips and vehicle miles traveled, and therefore the project's transportation-related GHG emissions would tend to be less relative to the same amount of population and employment growth elsewhere in the Bay Area, where transit service is generally less available than in the central city of San Francisco;[73] (2) As new construction, the proposed project would be required to meet California Energy Efficiency Standards for Residential and Nonresidential Buildings, helping to reduce future energy demand as well as reduce the project's contribution to cumulative regional GHG emissions; (3) the proposed project would also be required to comply with the Construction Demolition and Debris Recovery Ordinance (Ordinance No. 27-06), requiring at least 65 percent of all construction and demolition material to be diverted from landfills; and (4) the proposed project would preserve existing street trees, regulating outdoor temperatures and aiding in carbon sequestration.[74]

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[72] State of California, Department of Justice, "*The California Environmental Quality Act: Addressing Global Warming Impacts at the Local Agency Level.*" Updated 3/11/08. Available at: http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf. Accessed 04/11/2008.

[73] The California Air Pollution Control Officer's, *CEQA and Climate Change* (January 2008) white paper identifies infill development as yielding a "high" emissions reduction score (between 3-30 percent). This paper is available online at: http://www.capcoa.org/ceqa/CAPCOA%20White%20Paper%20-%20CEQA%20and%20Climate%20Change.pdf. Accessed April 15, 2008.

[74] Carbon sequestration is the capture and long-term storage of carbon dioxide before it is emitted into the atmosphere.

Given that: (1) the proposed project would not contribute significantly to global climate change such that it would impede the State's ability to meet its greenhouse gas reduction targets under AB 32, or impede San Francisco's ability to meet its greenhouse gas reduction targets under the Greenhouse Gas Reduction Ordinance; (2) San Francisco has implemented programs to reduce greenhouse gas emissions specific to new construction and renovations of residential and commercial developments; (3) San Francisco's sustainable policies have resulted in the measured success of reduced greenhouse gas emissions levels, and (4) current and probable future state and local greenhouse gas reduction measures will continue to reduce a project's contribution to climate change, the proposed project would not contribute significantly, either individually or cumulatively, to global climate change.

Topics:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
8. **WIND AND SHADOW—Would the project:**					
a) Alter wind in a manner that substantially affects public areas?	☐	☐	☒	☐	☐
b) Create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas?	☐	☐	☒	☐	☐

Question 8a: To provide a comfortable wind environment for people in San Francisco, the City has established wind criteria for the downtown area in Section 148 of the *Planning Code*. The criteria are based on pedestrian-level wind speeds that include the effects of turbulence. These adjusted wind speeds are referred to as "equivalent wind speeds." Section 148 of the *Planning Code* establishes "comfort criteria" equivalent wind speeds of 7 miles per hour (mph) in public seating areas and 11 mph in areas of substantial pedestrian use. New buildings and additions to buildings are not permitted to cause ground-level winds to exceed these levels more than 10 percent of the time. According to the *Planning Code*, new buildings and additions must be designed to reduce ambient wind speeds to meet these requirements, unless certain requirements for an allowable exception are met as described in Section 148. In addition to comfort criteria, *Planning Code* Section 148 establishes a wind hazard criterion of an hourly averaged wind speed of 26 mph, not to be exceeded more than once during the year. In C-3 Districts, no building or addition is permitted that causes wind speeds to exceed the hazard level of 26 mph for more than one hour of any year. No exception may be granted.

An independent consultant studied the potential pedestrian-level wind impacts of the proposed project.[75] The information and conclusions from that analysis are incorporated by reference and presented below.

Prevailing winds in San Francisco are generally from the west, off the Pacific Ocean. Wind speeds, in general, are greatest in the spring and summer, and least in fall. Daily variation in wind speed is evident, with the strongest wind in the late afternoon and lightest winds in the morning. Ground-level wind accelerations near buildings are controlled by exposure, massing, and orientation. Exposure is a measure of the extent that the building extends above surrounding structures into the wind stream. A building that is surrounded by taller structures is not likely to cause adverse wind accelerations at ground level, while even a small building can cause wind problems if it is freestanding and exposed.

Massing is important in determining wind impact because it controls how much wind is intercepted by the structure and whether building-generated wind accelerations occur above-ground or at ground level. In general, slab-shaped buildings have the greatest potential for wind problems. Buildings that have an unusual shape or utilize setbacks have a lesser effect. A general rule is that the more complex the building is geometrically, the lesser the probable wind impact at ground level.

Orientation also determines how much wind is intercepted by the structure, a factor that directly determines wind acceleration. In general, buildings that are oriented with their wide axis across the prevailing wind direction would have a greater impact on ground-level winds than a building oriented with its long axis along the prevailing wind direction.

The project site is located in the center of the block bounded by Market Street, Fifth Street, Stevenson Street, and Sixth Street, in downtown San Francisco. It is currently occupied by three buildings ranging from two to five stories or 30 to 94 feet in height. Other buildings in the project block range from two to 16 stories. Buildings of seven to 10 stories are located northwest of the project site across Market Street. Buildings directly west of the project site are mainly two stories in height, with larger structures of three to 10 stories located further west. The terrain in the immediate vicinity of the site is flat. The project site is somewhat sheltered from prevailing winds by existing structures, but would not be described as being in a substantial wind shadow created by larger structures.

The proposed project would demolish the existing on-site buildings and develop a 90-foot-tall, five-story retail building covering the entire project site. In addition, the proposed building would have an enclosed 16-foot-tall mechanical penthouse. A five-level, approximately 830-sq.-ft enclosed atrium would be provided above a portion of the ground-floor lobby along Market Street. No other cut-outs, setbacks, or terraces would be provided in the proposed building.

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[75] Donald Ballanti, Certified Consulting Meteorologist, *Wind Impact Evaluation for the Proposed 935-965 Market Street Project, San Francisco*, March 8, 2007. This letter report is on file with the Planning Department, 1650 Mission Street, Suite 400, San Francisco, and is available for public review, by appointment, as part of Case File No. 2005.1074E.

The proposed project would have little potential to cause substantial wind accelerations. At 90 feet tall, the proposed five-story building would be of modest height when compared to nearby buildings and existing buildings on the project site. The modest height of the proposed building would also limit the amount of wind energy that would be intercepted by the building. Wind accelerations created by the proposed building would tend to occur above the rooftops of adjacent buildings. These wind accelerations would occur above street level and would not affect pedestrian comfort.[76]

In summary, based on considerations of exposure, massing and orientation, the proposed project does not have the potential to cause significant changes to the wind environment in pedestrian areas adjacent or near the project site.

In view of the above analysis, significant wind impacts would not result from the proposed project, and the potential wind effects of the proposed project will not be discussed further in the EIR.

Question 8b: Section 295 of the *Planning Code* was adopted in response to Proposition K (passed in November 1984) in order to protect public open spaces from shadowing by new structures during the period between one hour after sunrise and one hour before sunset, year-round. Section 295 restricts new shadow upon public spaces under the jurisdiction of the Recreation and Park Department by any structure exceeding 40 feet unless the City Planning Commission finds the impact to be insignificant. The nearest public open space under the jurisdiction of the Recreation and Park Department is the public plaza at Union Square, located about three to four blocks northeast of the project site. The proposed retail building would be 90 feet tall, and thus a shadow fan analysis for potential Section 295 shadow effects of the proposed project was required by the Planning Department. The results of the shadow fan analysis indicated that the proposed retail building would not cast new shadows on any Recreation and Park Department properties subject to *Planning Code* Section 295.[77] Therefore, the proposed project would not result in significant shadow impacts and that topic will not be addressed further in the EIR.

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[76] Ballanti, *Wind Impact Evaluation for the Proposed 935-965 Market Street Project, San Francisco.*

[77] Michael Li, San Francisco Planning Department, Letter to Mary Murphy, December 21, 2006. This letter is on file with the Planning Department, 1650 Mission Street, Suite 400, San Francisco, and is available for public review, by appointment, as part of Case File No. 2005.1074E.

Section 295 does not provide protection from shadows for non-Department of Recreation and Park properties or private properties. The proposed building would be up to three stories taller than adjacent buildings and would add new shade to portions of the project site as well as to portions of surrounding properties, sidewalks and streets. However, the proposed building would not substantially increase the total amount of shading in the neighborhood above levels that are common and generally accepted in urban areas. While additional shading and loss of sunlight would be an adverse change for affected neighbors, it would not constitute a significant effect on the environment under CEQA. Given the urban nature of the project setting and the above discussion, the proposed project would not result in a significant shadow impact.

Topics:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
9. RECREATION—Would the project:					
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	☐	☐	☒	☐	☐
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☐	☒	☐
c) Physically degrade existing recreational resources?	☐	☐	☐	☒	☐

Questions 9a through 9c: The San Francisco Recreation and Park Department oversees and maintains more than 200 parks, playgrounds, and open spaces throughout the City. System recreation facilities also include 15 recreation centers, nine swimming pools, five golf courses, and more than 300 athletic fields, tennis courts, and basketball courts.[78] Public park and recreation facilities near the project site include the public plaza at Union Square, located about three blocks northeast of the project site; Boeddeker Park, Tenderloin Recreation Center, and Civic Center Plaza, located about three to five blocks northwest of the project site; Yerba Buena Gardens, located about three to four blocks southeast of the project site; and South of Market Recreation Center, located about three blocks south of the project site.[79] In addition, United Nations Plaza at 7th and Market Streets is a public open space east of Civic Center Plaza, owned and managed by the Department of Public Works (DPW).

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[78] San Francisco Recreation and Park Department website, accessed January 11, 2007; San Francisco Recreation and Park Department, *Recreation Assessment Report*, August 2004, p. 21, available on-line at http://www.parks.sfgov.org/wcm_recpark/Notice/SFRP_Summary_Report.pdf, accessed January 11, 2007.

[79] San Francisco Recreation and Park Department, San Francisco Recreation and Parks Map, available on-line at http://www.parks.sfgov.org, accessed January 11, 2007.

The proposed project would not contribute significantly to the expected increase in the residential population of San Francisco.[80] Employees of the proposed retail uses might use recreational facilities in the project area, but the resulting demand for recreational facilities would not be considered substantial. The proposed project would not include recreational facilities and would not directly affect existing recreational resources. Impacts to recreational facilities would not be significant, and this topic will not be addressed further in the EIR.

Topics:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
10. UTILITIES AND SERVICE SYSTEMS—Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒	☐
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	☐
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	☐
d) Have sufficient water supply available to serve the project from existing entitlements and resources, or require new or expanded water supply resources or entitlements?	☐	☐	☒	☐	☐
e) Result in a determination by the wastewater treatment provider that would serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐	☐
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐	☐
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒	☐

The project site is within an urban area and is currently served by public utilities and service systems, including provision of water, power, wastewater collection and treatment, and solid waste collection and disposal. The proposed project would increase the amount of retail use and intensity of development on the project site, resulting in an increase in demand for and use of public utilities and service systems on the site.

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[80] The proposed project would not directly increase the residential population; if the retail employees of the proposed project were new to San Francisco, they would contribute to an indirect population increase.

Questions 10a through 10e: The following discussion addresses potential impacts related to water and wastewater services and systems.

Water

The San Francisco Public Utilities Commission (SFPUC) provides water to approximately 2.4 million people in San Francisco, Santa Clara, Alameda, San Mateo, and Tuolumne Counties.[81] Approximately 96 percent of the water provided to San Francisco is supplied by the SFPUC Regional Water System, which is made up of water from the Hetch Hetchy Reservoir and Bay Area reservoirs in the Alameda Creek and Peninsula watersheds.[82] Citywide water use in 2000 was approximately 84 million gallons per day (mgd), of which about 57 percent was for residential customers and about 34 percent for business. System-wide demand is projected to increase to about 300 mgd by 2030. Residential water demand in San Francisco is expected to decrease slightly between 2000 and 2030, in spite of a projected increase in the City's population, because of an anticipated decrease in household size and an increased use of water-efficient plumbing fixtures.[83]

The City's 2005 Urban Water Management Plan (UWMP) projects that, during normal precipitation years, the SFPUC will have adequate supplies to meet projected demand. During multiple dry years, however, additional water sources will be required.[84] To address this issue, the SFPUC has embarked on a multi-year program, called the Water System Improvement Program (WSIP), to rebuild and upgrade the water system.[85] A revised WSIP was issued in January 2006 and is undergoing environmental review.[86,87] The SFPUC also is developing an Integrated Water Resource Plan, a planning document detailing how long-term water demand can also be met through a mix of water supply options (such as groundwater, recycled water, conservation, and imported water).

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[81] SFPUC, *2005 Urban Water Management Plan for the City and County of San Francisco*, adopted December 13, 2005, p. 5.

[82] SFPUC, Urban Water Management Plan, p. 9. Groundwater and recycled water make up the remainder of the SFPUC supplies to the City.

[83] SFPUC, Urban Water Management Plan, pp. 42-43.

[84] SFPUC, Urban Water Management Plan, p. 47.

[85] SFPUC, "Notice of Changes to Water System Improvement Program AB 1823 (March 8, 2006)," available at http://sfwater.org/detail.cfm/MC_ID/13/MSC_ID/167/C_ID/3007, accessed January 11, 2007.

[86] SFPUC, "Water System Improvement Program (January 2006)," available at http://sfwater.org/detail.cfm/MC_ID/13/MSC_ID/167/C_ID/3007, accessed January 11, 2007.

[87] San Francisco Planning Department, *SFPUC Water System Improvement Program Draft PEIR*, available at http://www.sfgov.org/site/planning_index.asp?id=37672, accessed August 13, 2007.

The proposed project would result in an increase in water use at the project site, but the increase would not be in excess of amounts expected and provided for in the project area. The proposed project would not require new or expanded water facilities, nor would it adversely affect the City's water supply. Given all of the above, the proposed project would not be expected to have a significant impact on water supply, either individually or cumulatively, and water supply will not be discussed further in the EIR.

Stormwater and Wastewater

San Francisco has a combined sewer system that collects sanitary sewage and stormwater in the same sewers and treats the combined wastewater in the same treatment plants. Stormwater and wastewater from the project site flow to and are treated at the Southeast Water Pollution Control Plant. During wet weather, the Southeast Plant is supplemented by other facilities and if wet-weather flows exceed the capacity of the overall system, the excess is discharged from combined sewer overflow (CSO) structures located along the waterfront. All CSO discharges are regulated with permits issued by the Regional Water Quality Control Board and with the U.S. EPA's Combined Sewer Overflow Control Policy.

In 2005, the SFPUC launched a citywide $150 million Five-Year Wastewater Capital Improvement Program to improve the reliability and efficiency of the combined system. The program is aimed at reducing flood risk in many neighborhoods, and upgrading treatment plants, including the Southeast Plant. The SFPUC also is in the midst of a Sewer System Master Planning process to develop a long-term strategy for the management of the City's wastewater and stormwater. The Master Plan, which will undergo separate CEQA review, is expected to be completed in 2008. The proposed project would add new retail uses to the project site, increasing the demand for wastewater and stormwater services, but the increase would not be in excess of amounts expected and provided for in the project area.

Topic 14: Hydrology and Water Quality, **pp. 79-84**, addresses the potential for the proposed project to degrade water quality. The project sponsor will pay the requisite wastewater discharge fee assessed by the SFPUC; the fee would compensate the SFPUC for the impacts of the proposed project on the wastewater system.

In light of the above, impacts related to water and wastewater service and facilities would be less than significant, and will not be discussed in the EIR.

Questions 10f-10g: Following sorting of recyclable materials at the NorCal Transfer Station near Candlestick Park, San Francisco solid waste is transported to, and disposed of at, the Altamont Landfill in Alameda County. The operation of the landfill is required to meet Federal, State, and local solid waste regulations. The Altamont Landfill has a permitted maximum disposal of 6,000 tons per day and received about 1.34 million tons of waste in 2002 (the most recent year reported by the State). According to the San Francisco Department of the Environment, the City generated 1.88 million tons of waste material in 2002: approximately 63 percent (1.18 million tons) was diverted through recycling, composting, reuse, and other efforts; and approximately 37 percent (700,000 tons) went into landfill.[88] San Francisco has a goal to divert 75 percent of its waste away from disposal by 2010 and to divert all waste by 2020.

The total permitted capacity of the Altamont landfill is more than 124 million cubic yards and with this capacity, the landfill can operate until approximately 2025.[89] In addition, prior to receipt of a demolition permit, the project is required to show compliance with the City's Construction and Demolition Debris Recovery Ordinance (Ordinance 27-06). Requirements for a full demolition include the development of a waste diversion plan that provides for a minimum of 65 percent diversion of construction and demolition debris, including materials source separated for reuse and recycling.

Given the above, the solid waste associated with the construction and operation of the proposed project would not substantially affect the projected life of the Altamont Landfill, and therefore would result in a less-than-significant impact. For these reasons, solid waste will not be discussed further in the EIR.

Topics:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
11. **PUBLIC SERVICES— Would the project:**					
a) Result in substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any public services such as fire protection, police protection, schools, parks, or other services?	☐	☐	☒	☐	☐

The project site is within an urban area that is currently served by public services, including provision of fire suppression and emergency medical services, police protection, public schools, recreational facilities, and other public services. The proposed project would increase the intensity of development on the site and potentially the demand for and use of public services in the project vicinity. The following discussion addresses potential impacts on fire and police protection. The proposed project would not directly increase the residential population of San Francisco, and therefore, would not increase the demand for school services. Impacts on recreation are discussed under Topic 9: Recreation on **pp. 67-68**.

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[88] City and County of San Francisco, Office of the Controller, Community Indicators Report, http://www.sfgov.org/wcm_controller/community_indicators/physicalenvironment/recycling/recycling.htm accessed January 17, 2007.

Fire Protection

The San Francisco Fire Department (SFFD), headquartered at 698 Second Street, provides fire suppression and emergency medical services to the City and County of San Francisco, including the project site. The SFFD consists of three divisions, which are further divided into 10 battalions and 42 active stations located throughout the City. The closest fire station to the project site is Station 1, located at 676 Howard Street (near Third Street), about 0.7 mile from the project site. Other fire stations in the vicinity include Station 3 at 1067 Post Street (near Polk Street, about 0.9 mile away), and Station 8 at 36 Bluxome Street (near Fourth Street, about 0.8 mile away).[90]

The proposed project would result in an increase in demand for fire suppression and emergency medical service in the project area. However, the increase would be incremental and would not be in excess of amounts expected and provided for in the project area. Nor would the proposed project necessitate the need for new or physically altered facilities or significantly increased staff. Therefore, the proposed project would not be expected to have any substantial impact on fire services, and fire and emergency medical services will not be discussed further in the EIR.

Police Protection

The San Francisco Police Department (SFPD), headquartered at 850 Bryant Street, provides police protection for the City and County of San Francisco including the project site. The SFPD consists of four Bureaus and 10 Districts located throughout the City. The Southern Police Station, also located at 850 Bryant Street, has jurisdiction over the project site and vicinity.[91]

The increased employment and site visitors resulting from the proposed project would result in an increase in demand for police service calls. However, this increase would not be in excess of amounts expected and provided for in the project area, nor would it require the construction of any new police facilities. The proposed project would, therefore, not adversely affect police protection services in the project vicinity. Thus, this impact would be less than significant, and police services will not be discussed in the EIR.

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[89] California Integrated Waste Management Board, Active Landfill Profiles, Altamont Landfill, http://www.ciwmb.ca.gov/Profiles/Facility/Landfill/LFProfile1.asp?COID=3&FACID=01-AA-0009, accessed January 17, 2007.

[90] San Francisco Fire Department, http://www.sfgov.org/site/fire_index.asp?id=4455 (Fire Station Location), accessed January 17, 2007; distances calculated with www.mapquest.com.

[91] San Francisco Police Department http://www.sfgov.org/site/police_index.asp?id=19969, accessed May 24, 2006.

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Not Applicable
12. BIOLOGICAL RESOURCES— Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒	☐
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☐	☒

Questions 12a through 12d: The project site is located in the downtown area of San Francisco and is completely developed with three buildings; there is no landscaping or vegetation on the site. The sponsor would retain the existing street trees adjacent to the project site along Market Street. Given the conditions present on the project site and in the area, the proposed project would not affect a rare or endangered plant or animal species or habitat, riparian habitat or sensitive natural communities, or wetlands. For similar reasons, the proposed project would not interfere with wildlife movement or impede the use of nursery sites.

Question 12e: The Planning Department, Department of Building Inspection (DBI), and Department of Public Works (DPW) have established guidelines to ensure that legislation adopted by the Board of Supervisors governing the protection of trees, including street trees, is implemented. DPW Code Section 8.02-8.11 requires disclosure and protection of Landmark, Significant, and street trees, collectively known as "protected trees" located on private and public property. There are no trees on the project site, and therefore, no trees would be removed with the proposed project. Adjacent street trees along Market Street would remain and as required by DPW, would be protected during construction. Given the above, the proposed project would not conflict with the local tree preservation ordinance, or with any local policies or ordinances protecting trees. For the reasons noted above, the proposed project would not conflict with any other local policies or ordinances protecting other biological resources.

Question 12f: There are no adopted habitat conservation plans that include the project site or vicinity. Therefore, this topic is not applicable.

The proposed project would not affect biological resources, and therefore, this topic will not be discussed further in the EIR.

Topics:		*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
13.	**GEOLOGY AND SOILS— Would the project:**					
a)	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i)	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	☐	☐	☐	☒	☐
ii)	Strong seismic ground shaking?	☐	☐	☒	☐	☐
iii)	Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐	☐
iv)	Landslides?	☐	☐	☐	☒	☐
b)	Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐	☐
c)	Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☒	☐	☐
d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?	☐	☐	☐	☒	☐
e)	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☐	☒
f)	Change substantially the topography or any unique geologic or physical features of the site?	☐	☐	☐	☒	☐

Question 13a: A preliminary geotechnical analysis was prepared for the project site; the results and recommendations are summarized below.[92] The purpose of a geotechnical investigation is to explore subsurface conditions and develop recommendations regarding the geotechnical aspects of project design and construction. Where explored, geotechnical investigation of the project site and adjacent properties indicates the subsurface presence of fill, sand, and bedrock. The fill layer at the site is 10 to 20 feet deep (less where there are existing basements), consists of loose to medium dense sand, and may contain construction debris. Under the fill layer is loose to medium dense native sand, known as Dune sand, to depths of 20 to 33 feet. The underlying bedrock is known as the Colma Formation, and consists of sand with variable clay content and clay with variable sand content. In addition, a marsh layer of loose to medium dense clayey sand, five to seven feet thick, was encountered in borings near the project site at 30 to 35 feet below the ground surface. Excavation for the proposed project would be up to about 41 feet deep[93] (about 31 feet deeper than the existing basement). Approximately 50,500 cubic yards of soil would be removed from the site, taking into account the approximately 6,315 sq. ft. of unexcavated area at the B3 level of the proposed building.

The project site is occupied by three two- to five-story buildings that all have basements. BART and Muni rail tunnels underlie Market Street about 25 feet north of the project site. Groundwater levels, which fluctuate with the season, have been estimated at depths of approximately 30 to 35 feet below the ground surface in the area. Where present, groundwater may be perched above the marsh deposit layer. Groundwater produced during construction dewatering would be discharged to the combined sewer system in accordance with Article 4.1 of the San Francisco Public Works Code, as supplemented by Order No. 158170, which regulates the quantity and quality of discharges to the combined sewer system. This permit would contain appropriate discharge standards and may require installation of meters to measure the volume of the discharge. As part of its Water Pollution Prevention Program, the Environmental Regulation and Management Department of the San Francisco Public Utilities Commission (SFPUC) must be notified of projects necessitating dewatering, and may require water analysis before discharge.

Should dewatering be necessary, the final soils report would address the potential settlement and subsidence impacts of this dewatering. The report would contain a determination as to whether a lateral movement and settlement survey should be done prior to dewatering to monitor for any movement or settlement of surrounding buildings and adjacent streets. If a monitoring survey were recommended, the Department of Public Works would require that a Special Inspector (as defined in Article 3 of the San Francisco Building Code) be retained by the project sponsor to perform this monitoring. Groundwater observation wells would be installed to monitor potential settlement and subsidence. If, in the judgment of the Special Inspector, unacceptable movement were to occur during dewatering, groundwater recharge would be used to halt this settlement. Costs for the survey and any necessary repairs to service lines under the streets would be borne by the project sponsor. In addition, BART guidelines for construction near their subway structures include monitoring of dewatering for any changes in groundwater level and requiring recharge if the existing groundwater level is expected to drop by more than two feet.

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[92] Treadwell & Rollo, *Preliminary Geotechnical Study, 949 Market Street and Adjacent Parcels, San Francisco, California,* March 9, 2005. This report is on file with the Planning Department, 1650 Mission Street, Suite 400, San Francisco, and is available for public review, by appointment, as part of Case File 2005.1074E.

[93] Approximately 37 feet would be for the three subsurface levels, plus four feet for foundations.

The project site is not located within an Alquist-Priolo Earthquake Fault Zone as defined by the California Department of Conservation Division of Mines and Geology (CDMG), and no active or potentially active faults exist on or in the immediate vicinity of the site.[94] Therefore, the potential for surface fault rupture is very low, and there would be no project impact.

The project site is located approximately seven miles from the San Andreas Fault, 11 miles from the Hayward Fault, 11 miles from the San Gregorio Fault, 22 miles from the northern Calaveras Fault, and 22 miles from the Rodgers Creek Fault. It is likely that the site will experience periodic minor earthquakes and possibly a major (moment magnitude[95] [Mw] greater than 7.0) earthquake on one or more of the nearby faults during the life of the proposed development. The Association of Bay Area Governments (ABAG) has prepared maps that show areas of the City subject to ground shaking during an earthquake. The project site is in an area subject to "very strong" ground shaking from a major earthquake along the Peninsula segment of the San Andreas Fault, and subject to "strong" ground shaking from a major earthquake along the northern Hayward Fault.[96]

The project site is also located in an area of liquefaction potential, in a Seismic Hazards Study Zone (SHSZ) designated by the California Division of Mines and Geology. However, it is not within an area prone to seismically induced landslides. For any development proposal in an area of liquefaction potential, the Department of Building Inspection (DBI) will, in its review of the building permit application, require the project sponsor to prepare a geotechnical report pursuant to the State Seismic Hazards Mapping Act. The report would assess the nature and severity of the hazard(s) on the site and recommend project design and construction features that would reduce the hazard(s). As stated above, the project sponsor has provided a geotechnical investigation report prepared by a California-licensed geotechnical engineer that is on file with the Planning

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[94] California Geological Survey, Table 4, Cities and Counties Affected by Alquist-Priolo Earthquake Fault Zones as of May 1, 1999, from http://www.conservation.ca.gov/cgs/rghm/ap/affected.htm, accessed January 11, 2007.

[95] Moment magnitude is an energy-based scale and provides a physically meaningful measure of the size of a faulting event. Moment magnitude is directly related to average slip and fault rupture area.

[96] Association of Bay Area Governments, Hazard Maps, Shaking Maps, 2003, accessed through www.abag.ca.gov (go to Environment/Earthquake Maps/Shaking Maps/Interactive Shaking Maps), January 11, 2007.

Department and available for review as part of the project file. Review of available borings at the site and vicinity indicates that the soil beneath the groundwater has sufficient strength and/or cohesion to resist liquefaction.[97] The geotechnical investigation concludes that the potential for soil liquefaction and lateral spreading at the site is low.

To ensure compliance with all *San Francisco Building Code* provisions regarding structural safety, when DBI review the geotechnical report and building plans for a proposed project, it will determine necessary engineering and design features for the project to reduce potential damage to structures from groundshaking and liquefaction. DBI could require that additional site-specific soils report(s) be prepared in conjunction with the building permit applications. Therefore, potential damage to structures from geologic hazards on a project site would be mitigated through the DBI requirement for a geotechnical report and review of the building permit application pursuant to its implementation of the *Building Code*. Any changes incorporated into the foundation design required to meet the *Building Code* standards that are identified as a result of the DBI permit review process would constitute minor modifications of the project and would not require additional environmental analysis.

Based on these identified hazards, the project site's proximity to the subway tunnels, and the proposed project's height and below-grade depth, the geotechnical report includes several recommendations, including recommendations for the proposed project's foundation. The geotechnical report concluded that a mat foundation could be used. In general, the geotechnical report found the site suitable for development providing that the recommendations included in the report were incorporated into the design and construction of the proposed development.[98] The sponsor has agreed to follow the recommendations of the report in constructing the proposed project.

Given the proximity of the subway tunnels, BART would review the structural plans and calculations during final design. The proposed project would be required to demonstrate that the nearby tunnels would not be adversely affected by soil rebound (heaving) or vibration during excavation, settlement during and after building construction, soil deformations during seismic loading, or excessive lateral loads from the buildings.

Based on the information in the Preliminary Geotechnical Study and on required reviews by technical experts, the proposed project would not be significantly impacted by its location in proximity to geological hazards and this topic will not be discussed further in the EIR.

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[97] Treadwell & Rollo, 2005, p. 5.

[98] Treadwell & Rollo, 2005, pp. 4-7 and 9.

Question 13b: Soil movement for foundation excavation could create the potential for wind- and water-borne soil erosion. The proposed project would require Department of Public Works approval of a grading permit and analysis for efficient stormwater management during project construction and operation. Review of the stormwater runoff from the proposed project's construction and operation, in accordance with the City's National Pollutant Discharge Elimination System (NPDES) Permit for the Southeast Water Pollution Control Plant, would ensure that significant soil erosion would not occur. Therefore, soil erosion will not be discussed further in the EIR.

Questions 13c-13d: As indicated above under the response to Question 13a, the geotechnical investigation concludes that the potential for soil liquefaction and lateral spreading at the project site is low. The project sponsor and project contractors would follow City and DBI protocol and requirements with respect to project design and construction features for structural safety. Similarly, as indicated above under the response to Question 13a, the project site is not located within an area prone to seismically-induced landslides. The potential presence of a marsh deposit and construction debris within the fill could cause some instability within the subsurface materials. Implementation of the site preparation and construction recommendations provided in the geotechnical engineering investigation report, as would be routinely required as part of the building permit process, would reduce these risks to less-than-significant levels. Among these measures, the geotechnical report recommends that shoring be used during site excavation, and that if a marsh deposit is found, it be overexcavated and replaced with engineered fill or lean concrete. The geotechnical report did not identify any issues with respect to expansive soils. These issues will not be discussed further in the EIR.

Question 13e: The proposed building would connect to existing wastewater conveyance, treatment, and disposal facilities, and would not rely on septic tanks or other on-site land disposal systems. Therefore, this issue is not applicable to the project site.

Question 13f: The project site is completely developed with three buildings. Therefore, the proposed project would not affect the topography of the project site or any unique geologic or physical features, and this topic will not be discussed further in the EIR.

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Not Applicable
14. HYDROLOGY AND WATER QUALITY—Would the project:					
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion of siltation on- or off-site?	☐	☐	☒	☐	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	☐	☐	☒	☐	☐
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐	☐
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐	☐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other authoritative flood hazard delineation map?	☐	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☐	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒	☐
j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	☐

Questions 14a & 14f: Domestic wastewater from the project site currently, and would continue to, flow to the City's combined sewer system, where it would be treated to standards contained in the City's National Pollutant Discharge Elimination System (NPDES) Permit for the Southeast Water Pollution Control Plant prior to discharge. During dry weather (typically, May 1 to October 15), all sanitary sewage generated at the project site would be treated at the Southeast Plant, which currently operates at about 80 percent of its design capacity. The additional dry weather flow associated with the proposed project could be accommodated within the system's existing capacity. During wet weather (typically, October 16 to April 30), the combined sewer system collects large volumes of stormwater runoff and other facilities in the City provide additional treatment as needed prior to discharging treated effluent to the Bay.[99] When combined flows exceed the total capacity of all of the facilities, excess flows receive primary treatment and are discharged through combined sewer overflow (CSO) structures located along the Bayside waterfront.[100,101] These intermittent CSO discharges occur in compliance with the current NPDES permit.

The SFPUC is preparing sewage and stormwater management guidelines for new developments to develop a systematic, citywide approach for stormwater management systems and to ensure continued compliance with water quality regulations and protection of the Bay and ocean. The guidelines, similar to those being initiated by other Bay Area communities, will address site design, source control, and structural treatment controls, to improve the quality of runoff generated as well as to reduce the quantity.[102]

Discharge of typical retail wastewater to this existing wastewater treatment system would not violate any water quality standards or waste discharge requirements and would be within the capacity of the Southeast Water Pollution Control Plant. During wet weather, any net increase in combined sewage could cumulatively contribute to an increase in the average volume of CSO discharges to the Bay. Such an increase could be a concern because the RWQCB has designated this portion of the Bay as an impaired water body under Section 303(d) of the Clean Water Act, which indicates water quality standards are not expected to be met after implementation of technology-based effluent limitations, and because CSO discharges contain pollutants for which the Bay is impaired. However, the City is undertaking a number of measures to reduce the quantity and frequency of overflows and improve the water quality of overflows. In light of these efforts, the proposed project and cumulative impacts of the proposed project on stormwater runoff would be less than significant, and this topic requires no further discussion in the EIR.

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[99] San Francisco Public Utilities commission, Wastewater System Reliability Assessment, Summary Report, Draft December 2003, http://www.sfsewers.org/library.asp#Background, accessed January 11, 2007.

[100] San Francisco Sewer System Master Plan Project, Combined Sewer Overflows, http://www.sfsewers.org/combinedseweroverflows.asp?groupid=10398, accessed January 11, 2007.

[101] San Francisco Public Utilities Commission, Recycled Water Master Plan, March 2006, p. 34. Available on the SFPUC web site at http://sfwater.org/detail.cfm/MC_ID/13/MSC_ID/165/MTO_ID/290/C_ID/2920/Keyword/recycled%20water%20master%20plan, accessed January 11, 2007.

[102] SFPUC, "Low Impact Development - Greening Stormwater Management in San Francisco," at http://sfwater.org/home.cfm (Wastewater/ Stormwater Management), accessed January 17, 2007.

Question 14b: The project site is developed and completely covered with impervious surfaces, namely existing structures. The proposed project would not change the amount of impervious surface on the site. The existing water supply to the project site is provided from reservoirs in the SFPUC water system.

Project development would require excavation up to a depth of approximately 41 feet. As discussed in Topic 13: Geology and Soils, **p. 75**, groundwater is estimated in the project area at approximately 30 to 35 feet below the ground surface. Therefore, the proposed excavation would likely require dewatering at the site. Groundwater produced during construction dewatering would be discharged to the combined sewer system in accordance with Article 4.1 of the San Francisco Public Works Code, as supplemented by Order No. 158170, which regulates the quantity and quality of discharges to the combined sewer system. This permit would contain appropriate discharge standards and may require installation of meters to measure the volume of the discharge. As part of its Water Pollution Prevention Program, the Environmental Regulation and Management Department of the SFPUC must be notified of projects necessitating dewatering, and may require water analysis before discharge.

Should dewatering be necessary, the final soils report would address the potential settlement and subsidence impacts of this dewatering. The report would contain a determination as to whether a lateral movement and settlement survey should be done prior to dewatering to monitor for any movement or settlement of surrounding buildings and adjacent streets. If a monitoring survey were recommended, the Department of Public Works would require that a Special Inspector (as defined in Article 3 of the San Francisco Building Code) be retained by the project sponsor to perform this monitoring. Groundwater observation wells would be installed to monitor potential settlement and subsidence. If, in the judgment of the Special Inspector, unacceptable movement were to occur during dewatering, groundwater recharge would be used to halt this settlement. Costs for the survey and any necessary repairs to service lines under the streets would be borne by the project sponsor. In addition, BART guidelines for construction near their subway structures include monitoring of dewatering for any changes in groundwater level and requiring recharge if the existing groundwater level is expected to drop by more than two feet.

In view of the above, the proposed project would not have a significant impact regarding groundwater supplies or levels, and this topic will not be discussed further in the EIR.

Questions 14c through 14e: There are no surface water channels on the project site. Although the proposed project development would occur within an area that is already developed, construction activities such as earthwork could lead to erosion when soil is exposed, particularly during wet weather. During construction, measures to reduce potential erosion would be implemented pursuant to California Building Code Chapter 33, Excavation and Grading, including an analysis for efficient stormwater management during construction and operation of the proposed project. For these reasons, significant water quality impacts with respect to erosion and siltation would not occur, and this topic will not be analyzed in the EIR.

Development in the City and County of San Francisco must account for flooding potential. Areas located on fill or bay mud can subside to a point at which the sewers do not drain freely during a storm (and sometimes during dry weather) and there can be backups or flooding near these streets and sewers. The project site falls within an area in the City prone to flooding during storms, especially where ground stories are located below an elevation of 0.0 City Datum or, more importantly, below the hydraulic grade line or water level of the sewer.

The City has implemented a review process to avoid flooding problems caused by the relative elevation of the structure to the hydraulic grade line in the sewers. Applicants for building permits for either new construction, change of use (Planning) or change of occupancy (Building Inspection), or for major alterations or enlargements are referred to the SFPUC for a determination of whether the project would result in ground-level flooding during storms. The side sewer connection permits for these projects need to be reviewed and approved by the SFPUC at the beginning of the review process for all permit applications submitted to the Planning Department, the Department of Building Inspection, or the Redevelopment Agency. The SFPUC and/or its delegate (SFDPW, Hydraulics Section) will review the permit application and comment on the proposed application and the potential for flooding during wet weather. The SFPUC will receive and return the application within a two-week period from date of receipt. The permit applicant shall refer to PUC requirements for information required for the review of projects in flood-prone areas. Requirements may include provision of a pump station for the sewage flow, raised elevation of entryways, and/or special sidewalk construction and the provision of deep gutters.

As required, the project sponsor has initiated a review with SFDPW to determine if the project would result in ground-level flooding during storms. SFDPW has determined that the area of 935-965 Market Street between Fifth and Sixth Streets has not generated any reports of street flooding due to heavy storms. SFDPW recommends that the ground floor of the proposed building be at the elevation of the official grade and that the new sidewalk, if any, be constructed with a six-inch-height curb as well as proper cross slope from the property line to the curb. The project sponsor will incorporate these recommended construction measures. In addition, the sponsor will submit preliminary plans showing proposed side sewer connections to the city's sewer main to SFDPW for review and approval.[103]

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[103] Wong, Clifford, SFDPW, written communication with Sean Thompson, Urban Realty Co., Inc., September 9, 2008. This information is on file with the Planning Department, 1650 Mission Street, Suite 400, San Francisco, and is available for public review, by appointment, as part of Case File No. 2005.1074E.

Therefore, the proposed project would not substantially affect or increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site or exceed the capacity of existing or planned stormwater drainage and wastewater systems, and surface runoff and drainage effects will not be analyzed further in the EIR.

Questions 14g-14h: Flood risk assessment and some flood protection projects are conducted by federal agencies including the Federal Emergency Management Agency (FEMA) and the U.S. Army Corps of Engineers (Corps). The flood management agencies and cities implement the National Flood Insurance Program (NFIP) under the jurisdiction of FEMA and its Flood Insurance Administration. Currently, the City of San Francisco does not participate in the NFIP and no flood maps are published for the City. However, FEMA is preparing Flood Insurance Rate Maps (FIRMs) for the City and County of San Francisco for the first time. FIRMs identify areas that are subject to inundation during a flood having a 1 percent chance of occurrence in a given year (also known as a "base flood" or "100-year flood"). FEMA refers to the flood plain that is at risk from a flood of this magnitude as a special flood hazard area ("SFHA").

Because FEMA has not previously published a FIRM for the City and County of San Francisco, there are no identified SFHAs within San Francisco's geographic boundaries. FEMA has completed the initial phases of a study of the San Francisco Bay. On September 21, 2007, FEMA issued a preliminary FIRM of San Francisco for review and comment by the City. The City has submitted comments on the preliminary FIRM to FEMA. FEMA anticipates publishing a revised preliminary FIRM in 2009, after completing the more detailed analysis that Port and City staff requested in 2007. After reviewing comments and appeals related to the revised preliminary FIRM, FEMA will finalize the FIRM and publish it for flood insurance and floodplain management purposes.

FEMA has tentatively identified SFHAs along the City's shoreline in and along the San Francisco Bay consisting of Zone A (in areas subject to inundation by tidal surge) and Zone V (areas of coastal flooding subject to wave hazards).[104] On June 10, 2008, legislation was introduced at the San Francisco Board of Supervisors to enact a floodplain management ordinance to govern new construction and substantial improvements in flood prone areas of San Francisco, and to authorize the City's participation in NFIP upon passage of the ordinance. Specifically, the proposed floodplain management ordinance includes a requirement that any new construction or substantial improvement of structures in a designated flood zone must meet the flood damage minimization requirements in the ordinance. The NFIP regulations allow a local jurisdiction to issue variances to its floodplain management ordinance under certain narrow circumstances, without jeopardizing the local jurisdiction's eligibility in the NFIP. However, the particular projects that are granted variances by the local jurisdiction may be deemed ineligible for federally-backed flood insurance by FEMA.

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[104] City and County of San Francisco, Office of the City Administrator, National Flood Insurance Program Flood Sheet, http://www.sfgov.org/site/uploadedfiles/risk_management/factsheet.pdf, accessed July 31, 2008.

Once the Board of Supervisors adopts the Floodplain Management Ordinance, the Department of Public Works will publish flood maps for the City, and applicable City departments and agencies may begin implementation for new construction and substantial improvements in areas shown on the Interim Floodplain Map. According to the preliminary map, the project site is not located within a flood zone designated on the City's interim floodplain map. In addition, there are no natural waterways within or near the project site that could cause stream-related flooding. Therefore, no impacts related to placement of housing or other structures in a 100-year flood zone would occur, and this topic will not be analyzed in the EIR.

Question 14i: The project site is not located within an area that would be flooded as the result of failure of a levee or dam.[105] Therefore, no impact would occur.

Question 14j: The project site is not located within an area that is subject to inundation by seiche, tsunami, or mudflow.[106] Therefore, no impact would occur.

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[105] Dam Failure Inundation Hazard Map for San Francisco, through http://www.abag.ca.gov (Environment/ Earthquake Maps/ Dam Failure after Earthquakes), accessed January 11, 2007.

[106] http://www.abag.ca.gov/bayarea/eqmaps/tsunami/tsunami.html, accessed January 11, 2007; also .20-Foot Tsunami Run-Up Map, http://www.sfgov.org/site/uploadedimages/planning/Codes/General_Plan/images/csa_Map6.gif, accessed January 11, 2007.

Topics:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
15. HAZARDS AND HAZARDOUS MATERIALS Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☒	☐	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐	☐
h) Expose people or structures to a significant risk of loss, injury or death involving fires?	☐	☐	☐	☒	☐

Question 15a: During operation, the proposed project would result in an increase in routine commercial use of small quantities of common types of hazardous materials, such as paints, cleaners, solvents, and disinfectants. All of these products are labeled to inform users of risks, and instruct them in proper disposal methods. Most of these materials are consumed or neutralized through use, resulting in little waste. Businesses are required by law to ensure employee safety by identifying hazardous materials, providing safety information, and adequately training workers in hazardous material handling. For these reasons, hazardous material use by the proposed project would not pose a substantial public health or safety hazard, and this topic will not be discussed further in the EIR.

Question 15b & 15d: The following discussion focuses on the potential for exposure to hazardous materials in soil or groundwater beneath the project site, or in the existing buildings on the site.

Potential Impacts Related to Materials in Soil or Groundwater

Project construction would include the removal of existing basements and excavation of soil for three subsurface levels and the building foundation. Excavation would extend up to about 41 feet below the ground surface, and would result in the removal of about 50,500 cubic yards of soil.

Hazardous Materials Studies. Three Environmental Site Assessments (ESAs) and a limited environmental site characterization have been prepared for the project site, including Phase I Environmental Site Assessments for 935-939, 941-945, and 947-965 Market Street. A Phase I Environmental Site Assessment Update was prepared for 935-939 Market Street in 2004 ("*935-939 Phase I Update*") that updates site assessments prepared in 1997 and 1999.[107] A Phase I Environmental Site Assessment was prepared for 941-945 Market Street in 2005 ("*941-945 Phase I*").[108] In addition to a Phase I Environmental Site Assessment that was prepared for 947-965 Market Street in 2005 *("947-965 Phase I")*, a limited environmental site characterization was prepared in 2006 (*"949 Market Environmental Site Characterization"*).[109,110]

ESAs provide a record of the hazardous material conditions of the subject property and evaluate what, if any, hazardous-material-related issues exist at the site. They include record searches of local, State, and Federal hazardous material databases; research of a site's historical land use; and site reconnaissance to assess the potential for adverse environmental impacts from the current and historical practices on the site and in the surrounding area. All of the Phase I studies prepared for the project site included this information. In addition, the *947-965 Phase I* included the results of five soil samples from existing soil stockpiles within the ground floor and basement of the building, and the *949 Market Environmental Site Characterization* reported on the results of soil samples from three exploratory borings on site.

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[107] AllWest Environmental, Inc., *Environmental Site Assessment Update, Commercial Building, 939 Market Street, San Francisco, California*, April 23, 2004. This report is on file with the Planning Department, 1650 Mission Street, Suite 400, San Francisco, and is available for public review, by appointment, as part of Case File 2005.1074E.

[108] AllWest Environmental, Inc., *Environmental Site Assessment, 943 Market Street, San Francisco, California*, October 18, 2005. This report is on file with the Planning Department, 1650 Mission Street, Suite 400, San Francisco, and is available for public review, by appointment, as part of Case File 2005.1074E.

[109] AllWest Environmental, Inc., *Environmental Site Assessment, 949 Market Street (951-965 Market Street), San Francisco, California*, March 25, 2005. This report is on file with the Planning Department, 1650 Mission Street, Suite 400, San Francisco, and is available for public review, by appointment, as part of Case File 2005.1074E.

[110] Treadwell & Rollo, *Limited Environmental Site Characterization, 949 Market Street, San Francisco, California*, November 27, 2006 (hereafter "*949 Market Environmental Site Characterization*"). This report is on file with the Planning Department, 1650 Mission Street, Suite 400, San Francisco, and is available for public review, by appointment, as part of Case File 2005.1074E.

Past Uses of Hazardous Materials. The 935-939 and 941-945 Market Street parcels were occupied by residential, restaurant and retail land uses in the late 19th century, were redeveloped into commercial use in the early 1900s, and have been in retail and office use since that time. The 947-965 Market Street parcel contained a dry goods store and warehouse in the late 1800s and was redeveloped with the existing building in 1909. The existing building has been occupied by various stores, offices, a billiards hall, a gym, a bath house, and a theater. The types of historical uses at all three parcels on the project site generally would not have contributed hazardous wastes to soil or groundwater.[111]

The ESAs did not identify any regulatory or physical evidence of underground storage tanks (USTs) at the 935-939 Market or 941-945 Market parcels. A 100-gallon above-ground hydraulic oil tank related to the elevator in the building was present at the 941-945 Market parcel at the time of the site reconnaissance, but no leaks or spills associated with the tank were observed. A heating oil UST was removed from beneath the Stevenson Street sidewalk just south of the 947-965 Market parcel in 2000. The tank was observed to be in poor condition, but soil samples taken with the removal did not detect any petroleum hydrocarbons or significant amounts of other hazardous materials. The San Francisco Department of Public Health granted regulatory case closure to the UST site in 2000.[112]

The 935-939 and 941-945 Market Street buildings are partly vacant and occupied by retail and office uses; the 947-965 Market Street building is entirely vacant. The types of hazardous materials associated with the remaining uses would be those typical of office and retail uses. At the time of the ESAs, no hazardous materials were observed other than typical cleaning and maintenance supplies.[113]

Regulatory database reviews were prepared by Environmental Data Resources, Inc, and incorporated into the ESAs. The reviews found that none of the parcels on the project site were listed on the State of California Hazardous Waste and Substances Site list. The reviews found that the 935-939 Market parcel was on the State of California Hazardous Waste Information

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[111] AllWest Environmental Inc., *935-939 Phase I Update*, p. 9; *941-945 Phase I*, p. 7; *947-965 Phase I*, p. 10.

[112] AllWest Environmental Inc., *935-939 Phase I Update*, pp. 2, 7; *941-945 Phase I*, p. 12; *947-965 Phase I*, p. 2.

[113] AllWest Environmental Inc., *935-939 Phase I Update*, p. 2; *941-945 Phase I*, p. 2; *947-965 Phase I*, p. 2.

System (HAZNET) list for off-site disposal of asbestos-containing waste.[114] The 941-945 Market parcel was not identified on any of the lists of potential hazardous materials use or releases included in the reviews. The 945-965 Market Street parcel was on the State of California registered leaking underground storage tank (LUST) database, due to the removal of the UST (discussed above) that was located beneath the public sidewalk at the rear of the property.

For the surrounding area, the database reviews in the ESAs indicated nine cases of LUSTs within one-eighth of a mile of the project site. The inactive LUST cases nearest to the project site are located at 416 Jessie Street, 870 Market Street, 1035 Market Street, 925 Mission Street, and 238 Eddy Street. All of these LUST sites have been granted closure (no further investigation or remediation required) by San Francisco Department of Public Health. Therefore, the reviewed hazardous materials files for the project site and surrounding properties do not indicate a hazard to the development of the project site. Further soil testing was recommended only for the 947-965 Market Street parcel, because a UST was removed from beneath the Stevenson Street sidewalk just south of this parcel in 2000 and soil testing results reported slightly elevated levels of lead, low levels of petroleum hydrocarbons, as well as trace levels of most other metals in the *947-965 Phase I*.[115] Overall, reviews of nearby properties indicated that none of the properties surrounding the project site had the potential to affect conditions at the project site.[116]

The project site is located in an area known to contain fill materials from the 1906 earthquake and fire.[117] Geotechnical investigation of the project site also indicates the subsurface presence of fill; the fill layer is estimated to extend 10 to 20 feet below the ground surface (less where there are existing basements), consists of loose to medium dense sand, and may include construction debris (Topic 13: Geology and Soils, **p. 75**). Such fill may therefore contain elevated concentrations of metals and petroleum hydrocarbons. The following is a discussion of soil testing that has occurred on the project site.

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[114] On a site visit on October 4, 1999, AllWest observed old boiler equipment and old vinyl flooring in a stair landing that were not removed during the extensive 935-939 Market Street building remodel in 1981 and were suspected of having asbestos containing materials (ACM). However, on a subsequent site visit on April 5, 2004, AllWest did not observe any building materials or equipment that were suspected of containing ACM. See AllWest Environmental, Inc., *Environmental Site Assessment, 939 Market Street, San Francisco, California*, March 24, 1997; and *Environmental Site Assessment Update, Office Building, 939 Market Street, San Francisco, California,* October 15, 1999. These reports are on file with the Planning Department, 1650 Mission Street, Suite 400, San Francisco, and are available for public review, by appointment, as part of Case File 2005.1074E.

[115] AllWest Environmental, Inc., *941-945 Phase I*, p. 2.

[116] AllWest Environmental Inc., *935-939 Phase I Update*, pp. 3-9; *941-945 Phase I*, pp. 13-19; *947-965 Phase I*, pp. 17-24.

[117] Department of Public Health, Environmental Health Hazardous Waste Program, Maher Sites Map available at http://www.sfdph.org/dph/comupg/oprograms/EHS/HazWaste/MaherSiteMap.asp.

Soil Testing at 947-965 Market Street Site. At the time of the site reconnaissance, the ground floor and basement levels of the 947-965 Market Street parcel contained several soil stockpiles that had been generated as part of prior excavation activities. Therefore, in 2005 five composite soil samples were taken and tested from the stockpiles. The results were compared to background concentrations and State of California hazardous waste classification criteria. The soil testing found low levels of petroleum hydrocarbons including diesel and motor oil, and trace levels of most metals; lead was found at higher than trace levels in the stockpiles.[118]

Slightly elevated levels of lead were detected in three of the five stockpile samples. The highest concentration of lead detected at the ground floor and basement levels of the 947-965 Market Street parcel was 98 ppm (parts per million).[119] These lead concentrations exceeded the threshold used by landfills for acceptance of soil disposal, but did not exceed the California hazardous waste threshold.

In part because lead was found in the basement stockpiles, an additional study was carried out for this site in 2006. The *949 Market Environmental Site Characterization* was prepared to "determine the environmental quality of soil likely to be encountered during the proposed new construction activities." The soil samples were collected from borings at depths ranging from 11.5 to 50.2 feet below the ground surface. Nine samples were analyzed for the presence of petroleum hydrocarbons and heavy metals. The results of the testing are as follows:[120]

- No petroleum hydrocarbons were detected at or above method reporting limits in any of the samples tested.
- Total lead was detected at concentrations ranging from "not detected" to 9.6 mg/kg. The results were substantially lower than the results of the earlier testing, which was conducted on soil in the stockpiles rather than soil from borings taken under the project buildings.
- All other test results were considered to be within normal background levels.

The *949 Market Environmental Site Characterization* concludes that "Based on the analytical results of the soil samples…the excavated soil will most likely be disposed of as unregulated waste."[121]

Conclusions. The Phase I studies for the 935-939 and 941-945 Market Street sites found no evidence of potential sources of contamination in the soil or groundwater beneath those sites, and concluded that no further assessment was warranted. The Phase I study for the 947-965 Market Street site found elevated levels of lead in the soil stockpiles present. The stockpiled soil would be disposed of appropriately prior to demolition of the basement of the 947-965 Market Street building, as required based on the lead levels found. The more recent, subsurface testing for the 947-965 Market Street building did not find any significant amounts of soil contamination that would require special disposal procedures.

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[118] AllWest Environmental Inc., *947-965 Phase I*, pp. 11-12.
[119] AllWest Environmental, Inc., *941-945 Phase I*, p. 2.
[120] Treadwell & Rollo, *949 Market Environmental Site Characterization*, pp. 2-3 and Tables 1 and 2.
[121] Ibid, p. 3.

Although soil testing of a portion of the site did not indicate elevated amounts of lead, the project site is located in an area known to contain 1906 earthquake-related fill. Therefore, soil with hazardous concentrations of metals or petroleum hydrocarbons could be encountered during site development, and excavated soil during the proposed project construction should be tested for metals and petroleum hydrocarbons so that the soil can be handled properly for reuse or disposal. Mitigation Measure Haz-1 (identified on **pp. 101-102**) has been included to address the need for additional soil testing, and if applicable, a mitigation plan and handling/hauling/disposal plan that would remediate the soil on the project site, if required. With the implementation of Mitigation Measure Haz-1, the proposed construction of the project would not have the potential to pose a direct or indirect public health hazard to the surrounding neighborhood, and the potential impact would be less than significant. This topic will not be discussed further in the EIR.

Potential Impacts Related to Building Materials

The proposed project would involve demolition and removal of the existing three buildings. Given the age of the existing structures (which were built *circa* 1909 to 1926), lead-based interior or exterior paint, asbestos-containing building materials, and polychlorinated biphenyls (PCBs) related to fluorescent lighting may be present.

Lead-Based Paint

Work that could result in the disturbance of lead paint must comply with Section 3407 of the *San Francisco Building Code* (*Building Code*), Work Practices for Lead-Based Paint on Pre-1979 Buildings and Steel Structures. Where there is any work that may disturb or remove lead-based paint on the exterior of any building built prior to December 31, 1978, Chapter 34 Section 3407 requires specific notification and work standards, and identifies prohibited work methods and penalties. (The reader may be familiar with notices commonly placed on residential and other buildings in San Francisco that are undergoing re-painting. Generally affixed to a drape that covers all or portions of a building, these notices are a required part of the Section 3407 notification procedure.)

Section 3407 applies to the exterior of all buildings or steel structures on which original construction was completed prior to 1979 (which are assumed to have lead-based paint on their surfaces, unless demonstrated otherwise through laboratory analysis), and to the interior of residential buildings, hotels, and childcare centers. The ordinance contains performance standards, including establishment of containment barriers, at least as effective at protecting human health and the environment as those in the U.S. Department of Housing and Urban

Development Guidelines (the most recent Guidelines for Evaluation and Control of Lead-Based Paint Hazards), and identifies prohibited practices that may not be used in disturbance or removal of lead-based paint. Any person performing work subject to the ordinance shall, to the maximum extent possible, protect the ground from contamination during exterior work; protect floors and other horizontal surfaces from work debris during interior work; and make all reasonable efforts to prevent migration of lead paint contaminants beyond containment barriers during the course of the work. Clean-up standards require the removal of visible work debris, including the use of a High Efficiency Particulate Air Filter (HEPA) vacuum following interior work.

Section 3407 also includes notification requirements and requirements for signs. Prior to commencement of work, the responsible party must provide written notice to the Director of the DBI of the location of the project; the scope of work including specific location; methods and tools to be used; the approximate age of the structure; anticipated job start and completion dates for the work; whether the building is residential or nonresidential, owner-occupied or rental property, the dates by which the responsible party has or will fulfill any tenant or adjacent property notification requirements; and the name, address, telephone number, and pager number of the party who will perform the work. The code contains provisions regarding inspection and sampling for compliance by DBI, and enforcement, and describes penalties for non-compliance. Compliance with these regulations and procedures required by the *Building Code* would ensure that potential impacts related to the demolition and renovation of structures with lead-based paint are less than significant. This topic will not be analyzed in the EIR.

Asbestos

Section 19827.5 of the California Health and Safety Code, adopted January 1, 1991, requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable Federal regulations regarding hazardous air pollutants, including asbestos. The BAAQMD is vested by the California legislature with authority to regulate airborne pollutants, including asbestos, through both inspection and law enforcement, and is to be notified 10 days in advance of any proposed demolition or abatement work.

Required notification includes the names and addresses of operations and persons responsible; description and location of the structure to be demolished or altered including its size, age and prior use, and the approximate amount of friable (subject to crumbling) asbestos; scheduled start and completion dates of demolition or abatement; nature of planned work and methods to be employed; procedures to be employed to meet BAAQMD requirements; and the name and location of the waste disposal site to be used. The BAAQMD randomly inspects asbestos removal operations. In addition, BAAQMD will inspect any removal operation for which a complaint has been received.

The local office of the State Occupational Safety and Health Administration (OSHA) must be notified of asbestos abatement to be carried out. Asbestos abatement contractors must follow State regulations contained in Title 8, Sections 341.6 through 341.14, and Section 1529 of the California Code of Regulations where there is asbestos-related work involving 100 square feet or more of asbestos-containing material. Asbestos removal contractors must be certified as such by the Contractors Licensing Board of the State of California. The owner of the property where abatement is to occur must have a Hazardous Waste Generator Number assigned by and registered with the Office of the California Department of Health Services in Sacramento. The contractor and hauler of the material is required to file a Hazardous Waste Manifest which details the hauling of the material from the site and its disposal. Pursuant to California law, DBI would not issue the required permit until the applicant has complied with the notice requirements described above. These regulations and procedures, already established as a part of the permit review process, would insure that any potential impacts due to asbestos would be reduced to a level of insignificance.

PCBs and Other Building Materials

Electrical power to the project site is directed through Pacific Gas & Electric (PG&E) transformers located in vaults beneath the sidewalks at Market and Stevenson Streets. The original PCB-containing transformers were removed in August 1985 and replaced with silicone-filled transformers.[122] Therefore, no PCB-containing electrical equipment was noted at the three building sites.

The *935-939 Phase I Update* noted that fluorescent light fixtures were present within the building. PCB-containing ballasts were present in many fixtures manufactured prior to 1978. Building management stated that all of the light ballasts had been replaced with non-PCB-containing equipment, and it is likely that many such fixtures have been replaced since the late 1970's. Without replacement records, however, it is not known whether there may be light ballasts with PCB-containing oils remaining in one or more of the buildings.

Spent fluorescent light tubes commonly contain mercury vapors at levels high enough to be considered a hazardous waste under California law; depending on the levels of mercury present, the light tubes may also be classified as hazardous under Federal law. These and other potentially hazardous building materials could pose health risk for site workers if improperly handled. However, adherence to applicable laws and regulations for removal and disposal of these materials would reduce the potential for exposure to hazardous substances during demolition activities. Therefore, this impact would be less than significant and no further analysis is necessary in the EIR.

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[122] AllWest Environmental Inc., *935-939 Phase I Update*, Appendix B (1997 Phase I), p. 7; *941-945 Phase I*, p. 11; *947-965 Phase I*, p. 15.

Question 15c: At least one school (De Marillac Academy, a private school located at 175 Golden Gate Avenue) is within one-quarter mile of the project site. The proposed project would result in an increase in the retail uses present at the site. These uses would not involve the handling of acutely hazardous materials, substances, or waste or the emissions of hazardous materials during project operation. For the reasons noted in the discussion of Questions 15a and 15b, the potential impacts related to exposure to hazardous substances during project construction would be less than significant, and no further analysis of the proposed project in relation to school sites is required.

Questions 15e-15f: The project site is not located within an airport land use plan, within two miles of a public airport, or within the vicinity of a private airstrip. Therefore, these topics are not applicable to the proposed project.

Questions 15g and 15h: The proposed project would not change the existing traffic circulation network in the vicinity. Employees of or visitors to the proposed building would contribute to congestion if an emergency evacuation of the downtown area were required.
Section 12.202(e)(1) of the *San Francisco Fire Code* requires that all owners of high-rise buildings (over 75 feet) "shall establish or cause to be established procedures to be followed in case of fire or other emergencies. All such procedures shall be reviewed and approved by the chief of division." The proposed project would conform to these standards. Therefore, proposed project impacts related to interference with emergency response or evacuation plans would be less than significant.

San Francisco ensures fire safety primarily through provisions of the *Building Code* and the *Fire Code*. The proposed project would be required to conform to those provisions, which include additional life-safety protections for high-rise buildings. Therefore, the proposed project would have no significant impacts related to fire hazards and this topic will not be discussed further in the EIR.

Topics:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
16. MINERAL AND ENERGY RESOURCES—Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☐	☒
c) Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner?	☐	☐	☒	☐	☐

Questions 16a-16b: All land in San Francisco, including the project site, is designated Mineral Resource Zone 4 (MRZ-4) by the California Division of Mines and Geology (CDMG) under the Surface Mining and Reclamation Act of 1975 (CDMG, Open File Report 96-03 and Special Report 146 Parts I and II). This designation indicates that there is inadequate information available for assignment to any other MRZ and thus the site is not a designated area of significant mineral deposits. Since the project site is already developed, future evaluation or designation of the site would not affect or be affected by the proposed project. The project site and vicinity do not contain any known mineral resources. There are no designated mineral resource recovery sites in the project area whose operations or accessibility would be affected by the construction or operation of the proposed project. Thus, the proposed project would have no impact on mineral resources, and this topic will not be discussed further in the EIR.

Question 16c: The proposed project would not result in the use of large amounts of fuel, water, or energy in the context of energy use throughout the City and region. The project demand would be typical for a project of this scope and nature and would meet, or exceed, current State and local energy conservation standards, including Title 24 of the California Code of Regulations enforced by the Department of Building Inspection. Therefore, the proposed project would not result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner. This topic will not be discussed further in the EIR.

The proposed project would use energy produced in regional power plants using hydropower and natural gas, coal, and nuclear fuels. The proposed project would not use substantial quantities of other non-renewable natural resources. Therefore, the proposed project would not have a substantial effect on the use, extraction, or depletion of a natural resource. This topic will not be evaluated in the EIR.

San Francisco consumers have recently experienced rising energy costs and uncertainties regarding the supply of electricity. The root causes of these conditions are under investigation and are the subject of much debate. Part of the problem may be that the State does not generate sufficient energy to meet its demand and must import energy from outside sources. Another part of the problem may be the lack of cost controls as a result of deregulation. The California Energy Commission (CEC) is considering applications for the development of new power-generating facilities in San Francisco, the Bay Area, and elsewhere in the State. These facilities could supply additional energy to the power supply "grid" within the next few years. These efforts, together with conservation, will be part of a statewide effort to achieve energy sufficiency. The demand for electricity generated by the proposed project would be negligible in the context of overall demand within San Francisco and the State, and would not in and of itself require a major expansion of power facilities. Therefore, the energy demand associated with the proposed project would not result in a significant physical environmental effect or contribute to a cumulative impact.

Topics:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
17. **AGRICULTURE RESOURCES** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. **Would the project:**					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☐	☒
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland of Statewide Importance, to non-agricultural use?	☐	☐	☐	☐	☒

Questions 17a through 17c: The project site is developed and is located within an urbanized area in the City and County of San Francisco. The California Department of Conservation's Farmland Mapping and Monitoring Program identifies the project site as "Urban and Built-up Land."[123] Because the project site does not contain agricultural uses and is not zoned for such uses, the proposed project would not convert any prime farmland, unique farmland or Farmland of Statewide Importance to non-agricultural use, and it would not conflict with any existing agricultural zoning or a Williamson Act contract; nor would it involve any changes to the environment that could result in the conversion of farmland. Accordingly, this topic is not applicable to the project site and will not be addressed further in the EIR.

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[123] California Department of Conservation, Farmland Mapping and Monitoring Program, 2002.

Topics:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
18. **MANDATORY FINDINGS OF SIGNIFICANCE—Would the project:**					
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☒	☐	☐	☐	☐
b) Have impacts that would be individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☒	☐	☐	☐	☐
c) Have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐	☐

Question 18a: The proposed project could result in adverse impacts to the environment with respect to transportation and noise. These topics will be addressed in the EIR. As noted in this Initial Study above, the proposed project would not result in significant impacts on biological resources or important examples of major periods of California history. Mitigation measures have been included in the project to reduce potential impacts on major periods of California prehistory to a less-than-significant level.

Question 18b: The proposed project could have cumulative impacts, primarily with respect to increased traffic congestion. These impacts will be addressed in the EIR.

Question 18c: Potential adverse effects on human beings have been considered as part of the analysis of individual environmental topics in this Initial Study. Potential impacts on humans with respect to transportation and air quality will be addressed in the EIR. The project would not have any other environmental effects that would cause substantial adverse effects on humans.

F. MITIGATION MEASURES

Although the following mitigation measures relate to topics that will not receive additional analysis in the EIR, the EIR will contain a Mitigation Measures chapter that describes all mitigation measures for the proposed project, including those listed below. The project sponsor has agreed to implement the following mitigation measures, which are necessary to reduce potential construction air quality, archaeological resources, and hazardous materials/contaminated soil impacts to a less-than-significant level.

Mitigation Measure AQ-1: Construction Air Quality

The project sponsor shall require the contractor(s) to spray the site with water during demolition, excavation, and construction activities; spray unpaved construction areas with water at least twice per day; cover stockpiles of soil, sand, and other material; cover trucks hauling debris, soils, sand or other such material; and sweep surrounding streets during demolition, excavation, and construction at least once per day to reduce particulate emissions. Ordinance 175-91, passed by the Board of Supervisors on May 6, 1991, requires that non-potable water be used for dust control activities. Therefore, the project sponsor shall require that the contractor(s) obtain reclaimed water from the Clean Water Program for this purpose. The project sponsor shall require the project contractor(s) to maintain and operate construction equipment so as to minimize exhaust emissions of particulates and other pollutants, by such means as a prohibition on idling motors when equipment is not in use or when trucks are waiting in queues, and implementation of specific maintenance programs to reduce emissions for equipment that would be in frequent use for much of the construction period.

The project sponsor shall require the construction contractor(s) to implement one or more additional measures to reduce construction exhaust emissions of PM_{10}. These measures include (but are not limited to) the use of late-model or retrofitted equipment; the use of PuriNO$_x$ or other fuel additives; the use of ultra-low-sulfur fuel; and/or the use of PM_{10} particulate traps.

Mitigation Measure Cul-1: Subsurface Archaeological Resources

Based on a reasonable presumption that archaeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged archaeological resources. The project sponsor shall retain the services of a qualified archaeological consultant having expertise in California prehistoric and urban historical archaeology. The archaeological consultant shall undertake an archaeological testing program as specified below. In addition, the consultant shall be available to conduct an archaeological monitoring and/or data recovery program if required pursuant to this measure. The archaeological consultant's work shall be conducted in accordance with this measure and with the requirements of the project archaeological research design and treatment plan (Archeo-Tec, *Archaeological Research Design and Treatment Plan for the 935-965 Market Street Project*, July 2007) at the direction of the Environmental Review Officer (ERO). In instances of inconsistency between the requirement of the project archaeological research design and treatment plan and of this archaeological mitigation measure, the requirement of this archaeological mitigation measure shall prevail. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archaeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level potential effects on a significant archaeological resource as defined in CEQA Guidelines Sect. 15064.5 (a)(c).

Archaeological Testing Program. The archaeological consultant shall prepare and submit to the ERO for review and approval an archaeological testing plan (ATP). The archaeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archaeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archaeological testing program will be to determine to the extent possible the presence or absence of archaeological resources and to identify and to evaluate whether any archaeological resource encountered on the site constitutes an historical resource under CEQA.

At the completion of the archaeological testing program, the archaeological consultant shall submit a written report of the findings to the ERO. If, based on the archaeological testing program, the archaeological consultant finds that significant archaeological resources may be present, the ERO in consultation with the archaeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archaeological testing, archaeological monitoring, and/or an archaeological data recovery program. If the ERO determines that a significant archaeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archaeological resource; or

B) A data recovery program shall be implemented, unless the ERO determines that the archaeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

Archaeological Monitoring Program (AMP). If the ERO in consultation with the archaeological consultant determines that an archaeological monitoring program shall be implemented, the archaeological monitoring program shall minimally include the following provisions:

- The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils-disturbing activities commencing. The ERO in consultation with the archaeological consultant shall determine what project activities shall be archaeologically monitored. In most cases, any soils-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archaeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context;
- The archaeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archaeological resource;
- The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archaeological consultant and the ERO until the ERO has, in consultation with the project archaeological consultant, determined that project construction activities could have no effects on significant archaeological deposits;
- The archaeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;
- If an intact archaeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archaeological monitor shall be empowered to temporarily redirect demolition/excavation/pile-driving/ construction activities and equipment until the deposit is evaluated. If, in the case of pile-driving activity (foundation, shoring, etc.), the archaeological monitor has cause to believe that the pile-driving activity may affect an archaeological resource, the pile-driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archaeological consultant shall immediately notify the ERO of the encountered archaeological deposit. The archaeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological deposit, and present the findings of this assessment to the ERO.

Whether or not significant archaeological resources are encountered, the archaeological consultant shall submit a written report of the findings of the monitoring program to the ERO.

Archaeological Data Recovery Program. The archaeological data recovery program shall be conducted in accord with an archaeological data recovery plan (ADRP). The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archaeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archaeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures*. Descriptions of proposed field strategies, procedures, and operations.
- *Cataloguing and Laboratory Analysis*. Description of selected cataloguing system and artifact analysis procedures.
- *Discard and Deaccession Policy*. Description of and rationale for field and post-field discard and deaccession policies.
- *Interpretive Program*. Consideration of an on-site/off-site public interpretive program during the course of the archaeological data recovery program.
- *Security Measures*. Recommended security measures to protect the archaeological resource from vandalism, looting, and non-intentionally damaging activities.
- *Final Report*. Description of proposed report format and distribution of results.
- *Curation*. Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

Human Remains and Associated or Unassociated Funerary Objects. The treatment of human remains and of associated or unassociated funerary objects discovered during any soils-disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archaeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.

Final Archaeological Resources Report. The archaeological consultant shall submit a Draft Final Archaeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archaeological resource and describes the archaeological and historical research methods employed in the archaeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archaeological resource shall be provided in a separate removable insert within the final report.

Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.

Mitigation Measure Haz-1: Hazardous Materials/Contaminated Soil

Step 1: Determination of Presence of Contaminated Soil

The project site is located in an area of the city known to contain fill material from the 1906 Earthquake and Fire, and such fill may contain elevated concentrations of metal and petroleum hydrocarbons. Therefore, prior to approval of a building permit for the proposed project, the project sponsor shall hire a consultant to collect soil samples (borings) from areas on the site in which soil would be disturbed and test the soil samples for contamination (including substances such as total lead and petroleum hydrocarbons). The consultant shall analyze the soil borings as discrete, not composite samples. The consultant shall prepare a report that includes the results of the soil testing and a map that shows the locations from which the consultant collected the soil samples.

The project sponsor shall submit the report on the soil testing for lead and petroleum hydrocarbons with the appropriate fee. These fees shall be charged pursuant to Section 31.47(c) of the *San Francisco Administrative Code.* DPH shall review the soil testing report to determine to whether soils on the project site are contaminated with lead or petroleum hydrocarbons at or above potentially hazardous levels.

If DPH determines that the soils on the project site are not contaminated with lead or petroleum hydrocarbons at or above a potentially hazardous level, no further mitigation measures with regard to contaminated soils on the site would be necessary.

Step 2: Preparation of Site Mitigation Plan

If based on the results of the soil tests conducted, DPH determines that the soils on the project site are contaminated with lead or petroleum hydrocarbons at or above potentially hazardous levels, the DPH shall determine if preparation of a Site Mitigation Plan (SMP) is warranted. If such a plan is requested by the DPH, the SMP shall include a discussion of the type and level of contamination of soils on the project site and mitigation measures for managing contaminated soils on the site, including, but not limited to: 1) the alternatives for managing contaminated soils on the site (e.g., encapsulation, partial or complete removal, treatment, recycling for reuse, or a combination); 2) the preferred alternative for managing contaminated soils on the site and a brief justification; and 3) the specific practices to be used to handle, haul, and dispose of contaminated soils on the site. The SMP shall be submitted to the DPH for review and approval. A copy of the SMP shall be submitted to the Planning Department to become part of the case file.

Step 3: Handling, Hauling, and Disposal of Contaminated Soils

a. Specific work practices: If based on the results of the soil tests conducted, DPH determines that the soils on the project site are contaminated with petroleum hydrocarbons or lead at or above potentially hazardous levels, the construction contractor shall be alert for the presence of such soils during excavation and other construction activities on the site (detected through soil odor, color, and texture and results of on-site soil testing), and shall be prepared to handle, profile (i.e., characterize), and dispose of such soils appropriately (i.e., as dictated by local, state, and federal regulations, including OSHA work practices) when such soils are encountered on the site.

b. Dust suppression: Soils exposed during excavation for site preparation and construction activities shall be kept moist throughout the time they are exposed, both during and after work hours.

c. Surface water runoff control: Where soils are stockpiled, Visqueen (a type of polyethylene film) shall be used to create an impermeable liner, both beneath and on top of the soils, with a berm to contain any potential surface water runoff from the soil stockpiles during inclement weather.

d. Soils replacement: If necessary, clean fill or other suitable material(s) shall be used to bring portions of the project site, where contaminated soils have been excavated and removed, up to construction grade.

e. Hauling and disposal: Contaminated soils shall be hauled off the project site by waste hauling trucks appropriately certified with the State of California and adequately covered to prevent dispersion of the soils during transit, and shall be disposed of at a permitted hazardous waste disposal facility registered with the State of California.

Step 4: Preparation of Closure/Certification Report

After excavation and foundation construction activities are completed, the project sponsor shall prepare and submit a closure/certification report to DPH for review and approval. The closure/certification report shall include the mitigation measures in the SMP for handling and removing contaminated soils from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.

G. ALTERNATIVES

Alternatives to the proposed project will be defined further in the EIR. At the minimum, the following alternatives would be analyzed that would reduce or eliminate significant environmental effects. The EIR will include discussion of the following alternatives:

1. *No Project.* The No Project Alternative is required by CEQA to be discussed in the EIR. No changes would be made on the project site. The existing three two- to five-story commercial buildings would remain on the project site. The existing theater at 945-965 Market Street would be retained and the 935-939 Market Street and 941-945 buildings would continue to operate as office buildings with ground-floor retail.

2. *Alternative With 50% Reduced Retail Space and Parking.* This alternative would include approximately half of the gross floor area of the proposed project. The alternative would be intended to reduce potential significant traffic and/or noise impacts of the proposed project. The specific extent and significance of those impacts are not known at this time, and will not be known until the EIR is prepared. Therefore, it is reasonable to assume that a reduced development alternative should result in a substantial reduction in project-related automobile trips. Specifically, the reduced development alternative would be an approximately 188,310-gsf building, with about 131,090 gsf of retail uses; about 49,410 gsf of parking, loading, and driveways and maneuvering spaces; and about 7,810 gsf of building services (common areas, mechanical, and storage spaces). The reduced development alternative building would be about 50 feet tall, excluding the mechanical penthouse. It would have three above-ground floors of retail space and one subsurface level for retail parking. The subsurface level would be the depth of the existing 10-foot-deep basement on the project site. The reduced development alternative would not include a mezzanine retail floor or a subsurface retail floor, unlike the proposed project.

3. *No Parking Alternative.* Under this alternative, the proposed building would not include a parking garage. The No Parking Alternative would be intended to reduce potential project impacts related to the use of Stevenson Street for garage access, and potential significant traffic and transit and/or noise impacts of the proposed project. The specific extent and significance of those impacts are not known at this time and will not be known until the EIR is prepared. In all respects except the elimination of the parking garage, this alternative would generally be the same as the proposed project. The proposed retail space and pedestrian access would be the same, and the alternative would retain the loading dock and bicycle parking facilities proposed for the project. To accommodate merchandise pick-up by shoppers, the alternative would include an on-site loading area with access from Stevenson Street.

H. DETERMINATION

On the basis of this initial study:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☒ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, no further environmental documentation is required.

Bill Wycko,
Acting Environmental Review Officer
for
John Rahaim
Director of Planning

DATE September 29 2008